File No. 294

Pros. Serial Nos. 1 - 4

Subject.

THE BANGALORE MUNICIPAL LAW- AMENDMENT.

Previous References.

Later References.

817
34

RESIDENT'S OFFICE.

———:o:———

NOTES AND PRECIS.

179—10·6·1933—500—BPB.

(2)
S. IV. 184/2
294 - 1893

The revision of the Bangalore Municipal Law, 1897, has been under contemplation since December, 1924. In accordance with a resolution of the Municipal Commission the work of drafting the law was entrusted to Messrs. Surya Brothers, with the approval of the Hon'ble the Resident, on a remuneration of Rs.1000/-. The work was completed in February in 1928. The draft law was placed before a Sub Committee of the Commission which considered each section of the law and the draft as amended by it was placed before the Commission which accepted it subject to slight modifications and it is recommended that the draft law as finally passed by the Commission may be recommended to the Government of India. The Municipal Commission has thus now completed its labours extending over a period of 2½ years.

The Bangalore Municipal Law, 1897 which consisted of 193 sections has in revision expanded into one of 390 sections with four schedules annexed to it. The law has been thoroughly recast, and there is little scope for comparison with the old provisions. In framing the revised law it has been suggested to the Municipal Commission that it might follow the provisions of the Madras City Municipal Act, 1919 mutatis mutandis. The

propose

proposed law will therefore be examined in the light of the Madras Act, IV of 1919 which has been suggested as a model. It is regretted that owing to heavy work both on the administrative side as well as on the judicial side the file could not be submitted earlier. Representation regarding the heavyness of work on two occasions has been made to the Secretary Major Loch and it is only after relief was given to some extent by placing the services of a clerk to attend solely to routine work on the Court side in January 1931 that attention could be paid to the voluminous task of putting sectional notes on the several sections of the revised Bangalore Municipal Law. No efforts have been spared to make the noting thorough and it is respectfully submitted that the file could not be submitted earlier owing to these circumstances. The work was entirely done out of office hours and on holidays and no moment of office hours was taken up for the noting

The various chapters in the new Municipal Law and the several sections therein are noted on in sectional notes below to facilitate passing of orders:-

K.M. Vasudevan
18.4.31

Secretary
Through Court
(Branch)

Please see note by Mr. Russell on Confidential file 119/1928 linked below. A copy of this note was giv

to Mr. Cooke, vide S.N.1 on the same file, who has probably taken into consideration points raised by Mr. Russell, before submitting P.U.C ?

M. Thomson
6.5.31.

Cttee Concerned

I will speak to P.M.C about this Pub. app. in Office on Wed. 21st.

[illegible] 8/5

Re-submitted.

CVR
20 5 31

Secy. Spoken to Head Clerk. To be put up early next month.

[illegible] 23/5

X He has (Vide linked confl file 148/30)

P.U.C.

S.N.1-4

Confidential demi-official letter No.1299/30, dated the 3rd May, 1930, from the Collector, Civil and Military Station, Bangalore.

(1) The Official Draft of the Bangalore Municipal Law is being dealt with by the Head Clerk. May P.U.C. be given to him to deal with along with the Official Draft?

For orders.

13.6.30

(2) Clerk a letter of this kind should now go into Office. File should be submitted through Supt. Branch.

14.6.30

4 Q

(3) Please see S.N.1. This is apparently the Confidential D.O. to which Mr. Cooke referred. This was not put up with the other papers re. Municipal Law as I did not know the file existed as there was no reference in the file register, and I was only able to trace it by going through the register of receipts for 1930.

(4) Mr. Cooke promised to send us a copy from his office records, perhaps, file may be sent to him u/o with the request that he will kindly say whether this is the letter he referred to ?

(5) For orders.

(6)

26. 5. 31.

U/o
CONFIDENTIAL
No.C/9060/148 of 1930

THE RESIDENCY,
Bangalore,
30th May 1931.

To

The President,
Municipal Commissioner,
Civil and Military Station,
Bangalore.

for action vide para 4 of notes please.

M. Thomson
30. 5. 31.

(10)

Orders are solicited on the several points raised in Mr. Cooke's demi-official letter. There are eleven points in all, each covered by a separate paragraph.

(11)

It would appear that, for the reasons given by Mr. Cooke, the suggestions contained in his letter may all be accepted, except perhaps the suggestion relating to section 82 (of the draft), the adoption of which the Commission may reasonably regard as a retrograde step, in view of the existing provision in Bye-law No.5 which gives the Commission certain powers of appointment etc.

(12)

The adoption of the President's suggestions will clearly entail further changes in the draft, which will be made in suitable places. These changes may be briefly described in the letter to the Govt. of India, an outline of which is submitted in the main file (linked

C.V. Ramanathan
4.10.31

Secretary

(13) Will the draft. flagged B
Draft. at 9a 6 9/10? please
B goes to speak
SPC.
9/10/31

(14) Before para. 11 above
would you be prepared
to drop this & the
reasons given?
PMC
9/10/31

Confidential

U/o
CONFIDENTIAL
No.C/9480/148-1930

THE RESIDENCY,
Bangalore,
17th October 1931.

To

The President,
Municipal Commission,
Civil and Military Station, Bangalore.

Mr Robertson
17.10.31

(15)

There is no doubt that the removal of the right to make any appointments would cause a howl from the Commission. & there are only 3 appointments now within their powers and as ~~the~~ vacancies only arise rarely it will not make much difference if they retain their present powers, but do not think they should be extended at all

17.X.31

Lay Yo.
Draft according.
17/10

H.C.

(A draft letter to the Govt. of India is in linked file).

It will be seen from the above that the P.M.C. agrees that section 82 of the draft of the revised Municipal Law may be left as it is in the draft.

(B)

However, various other sections which are referred to in the P.M.C's confidential d. o. require

amendment with reference to his suggestions

These amendments, it is proposed, should, when drafted and approved, be explained in para 4 of the draft letter to the Government of India, which paragraph is now left blank.

It is submitted, with reference to this, that it is possible to make in this office a draft of the necessary amendments to the several sections and then send them to the P.M.C. and the Government Pleader for any remarks and suggestions but it seems to be preferable that the Government Pleader be requested u.o. through the P.M. C. confidentially, to suggest necessary amendments, so that they can be embodied in the draft letter to the Government of India with ~~with~~ an explanation of the changes made and of the necessity for them. It was Rao Sahib Surya Prakas that drafted the revised Municipal Law, though not in his capacity as Government Pleader, and hence a draft by him of the requisite amendments may ~~be~~ perhaps be obtained before submission of the whole case to Resident.

C.V. Ramanathan
17.11.31

Secretary.

P.M.C has seen this file & been consulted quite rightly. If it again gets into the Hands of R.S. Surya Prakas goodness knows when we shall see it again

H.E is quite competent to draft the amendments

suggested by the P.M.C
she will please do so

15/11

A draft of the amendments (to the revised draft of the Bangalore Municipal Law) which will be necessary to give effect to the various suggestions contained in the P.M.C's D.O.is submitted for consideration. After approval they have to be embodied in the letter which it is proposed to address to the Govt. of India.

CVR
3.12.31

Secretary
(on return) Low please put up complete draft.
6 9 31

9/12

28 A copy of the draft law amended with reference to the modifications already accepted is put up.

29 It may be mentioned that the Government of Madras have had under consideration the question of a comprhensive amendment of the Madras City Municipal Act, 1919, in the light of the experience gained in its working. A special committee consisting of some members of the Corporation of Madras was constituted with Mr. Conran Smith, the then Commissioner of the Corporation (and now Secretary to Government in the Local Self Government Department) as its Secretary to suggest amendments to the Act. The Committee submitted a report in 1930. The Act was subsequently examined in the Secretariat in the light of the above repor and the orders of Government passed from time to time. The matter was allowed to lie over for some time. But it is seen from newspapers that the Madras Govt have again taken up the matter. It is not known whether a Bill is now ready.

30 In amending the local (Civil and Military Station) Municipal Law on the lines of the Madras Act, it seems desirable to take advantage of the experience gained by Madras. I had worked at it in Madras and have indicated in the following notes some of the important changes propps which may ~~be~~ suitably be applied to the Bangalore Municipal La The draft law is further examined with reference to these

these and certain other matters that seem to call for remarks. (For convenience references are made to the printed Nos. of clauses unless otherwise indicated).

31 The Government Pleader who had a hand in the drafting of the original Bill may see this case again for remarks on the suggestions now made. If considered necessary I shall see him and discuss the points personally.

32 After orders are passed on the amendments now suggested the views of ~~the~~ Headquarters will have to be obtained on the draft Bill. Government of India may be addressed thereafter.

33 A provisional draft to the Government of India explaining at some length the changes proposed is also put up. It will have to be modified further with reference to the decision on the changes now suggested. The length of the letter is to be explained by the absence of any notes on clauses which normally accompany a Bill and which explain in detail the necessity for the changes. An explanation of the changes proposed is necessary to enable the Government of India to appreciate them and pass orders.

34 The case may be sent to the Government Pleader U.O. for favour of remarks. In the meantime the Govt. of Madras may be requested to furnish a copy of their Bill to amend the Madras City Municipal Act. if it is ready. Draft submitted.

Madras.
1/4/32

34(a)

Action as in paras 33 & 34. No time delay please

10.10.32

To

The Government Pleader, Civil and Military station,
Bangalore. U.O.

U.O.No. 7165
Dated the 24th Oct

10.5.33

35

Application of the Cantonments Act to the Station.

new clause after clause 6 of draft

Page 98 of vol. VI of Mac. Enactments. (Revised)

Section 7 of the Existing Law provides that the Governor General in Council may by notification apply all or any of the provisions of the Cantonment Act or Regulation or of any rules thereunder to the Station or to any buildings lands or local area comprised in the Station and may in like manner withdraw the application of any such provision. By notification No.364-1, dated the 19th July, 1926, issued under this Section, Sections 235, 236, 237, 239 and 240 of the Cantonments Act 1924, relating to the removal of brothels, removal or punishment of prostitutes, and persons who are lewd or seditious, have been applied to the Station, with certain modifications

* Page 796 of vol. VI of Mac. Enactments. (Revised)

* not put up.

The provisions of Section 7 have been omitted from the draft law. It seems necessary to retain Section 7 to enable such provisions of the Cantonment Act, as may be necessary, being applied to the Station. It may, if approved, be inserted after Clause 6 of the draft.

The Clause will run as follows:-

"Notwithstanding anything contained in this Law, the Governor-General in Council may, by notification, apply all or any of the provisions of any Cantonment Act or Regulation or of any rules thereunder to the Station or to any buildings, lands or local area comprised in the Station, and may, in like manner, withdraw the application of any such provisions."

24/X

P. 120 36 of the printed draft

Clause 42. Power of the Resident to frame ~~terms~~ forms and make rules

The earlier Madras Act gave ~~a detailed enumeration of the items~~ specified matters in respect of which the Government might make rules. This was given up in the Act of 1919 in favour of a general provision (Section 347) vesting in the Local Government power to make rules in respect of all or any of the purposes of the Act not inconsistent therewith only some of the more important matters being specifically referred to in the Section. Section 175 of the existing Bangalore Municipal Law details the items in respect of which the Resident may make rules. but the Law does not contain a general provision like Section 347 of the Madras City Municipal Act The draft law contains both provisions Section 175 of the existing law is retained as ~~section~~ clause 42 of the draft and section 347 of the Madras law is introduced as Clause 349.

Clause 42 calls for the following remarks:-

(i) Part V Chapter XIV of the draft is reserved for provisions regarding subsidiary legislation including rule-making. It appears that the provisions of Clause 42 may more appropriately be brought on to this part.

(ii) Sub Clause (1) (b) and (c) provide for the division of the Station into wards and inhabitants into classes and fixing the number of representatives of each These matters are provided for by clauses 43 and 44 of the draft Clauses (b) and (c) appear to be superfluous. Clause 43 uses the word 'Divisions' instead of 'Wards This word 'division' may be used throughout.

(iii) Sub Clause (1)(d). Qualification of Voters and candidates for election. - The existing law left this matter to be settled by rules But clauses 46-50 of the draft detail such qualifications and disqualifications. There is, therefore, no need to retain this clause.

Title Sec. 413 of Madras City Municipal Act, 1904. (Repealed)

Page 123 of (M)

Page 151 of Vol. VI of Mad. Enactments

Page 146 of printed draft.

Page 20 of -do-

Page 146 of -do-

Page 20 of -do-

Sec. 175 cl. (d) Page 152 of Vol. VI of Mad. Enacts.

page 20 of printed draft

- vide note on term of appointed Councillors - infra

(iv) Sub-clause (1)(h) Term of Commissioners.

Term of 'Divisional Commissioners' is fixed at 3 years in clause 52. It ~~has been~~ is proposed to put a similar limit also to the terms of other Councillors. This clause will then become unnecessary.

(v) Sub-clauses (1)(e),(f)&(g) and sub-clause (2) detail the matters relating to elections in respect of which rules may be made.

These are (e) registration of electors, (f) nomination of candidates etc and (g) generally for regulating all elections under the law.

Clause 56 of the draft which confers ~~rule making power~~ on the Local Government power to make rules in regard to elections, seems to cover all these points. Sub-clause (1) of clause 56 authorises the making of rules regulating procedure with regard to elections. This clause is general and corresponds to clause (g) of section 42 and includes matters referred to in clause (f) of Section 42(1). Sub-clause (2)(a) of clause 56 providing for the preparation, revision and publication of electoral roll covers clause (e) of Clause 42(1).

Sub-clause (2) of clause 42 refers to certain post election matters in respect of which, among others, rules might be made. These are (i) investigation of allegations of corrupt practices or intimidation at elections, (ii) making certain elections void, (iii) disqualifying for municipal office candidates whose elections were rendered void as above and (iv) definition of practices which may amount to intimidation or which may be deemed to be corrupt.

Clause 66 of the draft empowers the Court trying an election case to disqualify a convicted person from voting or being elected or holding municipal office for a period to be specified within the limits laid down in the clause. Sub-clause (iii) of clause 42(2) thus appears to be unnecessary

In the place of these detailed provisions, the brief and succinct provisions in clauses 56 and 349 appears to be sufficient.

(vi

(vi) Sub-clause (o) of Clause 42(1) provides for rules being made for the preparation of budget estimates and budget sanction. These are now provided for in clauses 157-165 of the draft. The sub-clause is therefore unnecessary.

(vii) Sub-clause (p) provides for making rules for the preparation of returns, statistics and reports. Clause 349(2)(c) of draft covers this matter.

(viii) Sub-clause (q) - publication of notices. This is provided for by clause 374 of the draft. The sub-clause may be omitted.

(ix) Sub-clause (r)- is general, is covered by the language of sec.349 and is unnecessary.

If approved, the sub-clauses in clause 42 referred to above may be omitted and the remaining clauses viz. (1) (a) (i) (j) (k) (l) (m) (n) and (2)(iv) may be incorporated with clause 349 in Part V Chapter XIV of the draft.

Page 24-37
25 of printed draft

Qualifications and disqualifications of ~~Commissioners~~ Candidates
clauses 49 and 50.

Page 229-do

The heading of Chapter III[x] of the draft shows that it deals with the election and appointment of ~~councillors~~ Commissioners. But it contains no provision as to the qualifications of candidates for appointment as Commissioners nor as to the conditions which disqualify them from being so appointed. It is no doubt open to the Resident to provide for these by rules made under Clause 349(2)(b) of the draft. The rules made by the Resident under the existing law relate only to the elected Commissioners. But the qualifications and disqualifications referred to in Clauses 49 and 50 are such that they may also be made, as in the Madras[o] Act, applicable to candidates for appointment as Commissioners. If this is accepted, the words "or appointment" may be inserted in the two clauses after the word election

[x] page 79 of Vol VI of Macpherson's Instructions.

[o] See 52 on page 32 of (M) M C·M dt 1919

au/x

Term of appointed Commissioners.-(New clause after clause after 52)

Under the existing law, Commissioners are to be appointed either by name or by office by the Resident or elected by the rate-payers in accordance with rules made by the Resident. Section 175(1)(h), enables the Resident to make rules fixing the term of Commissioners

Section 9(2) provides that Commissioners other than those appointed by office, i.e., elected Commissioners and those appointed by name, shall hold office for a period not exceeding 3 years, but it also authorises the Resident to extend by notification their term to such period not exceeding in the aggregate as the may think fit 4 years ~~for reasons to be stated therein~~

Under rule 1 of the rules made by the Resident every elected Commissioner ~~is to hold office for 2 years~~ and every commissioner appointed by name ~~is to~~ hold office for 3 years. No limit has been fixed for the term of a Commissioner appointed by office.

The draft does not specifically provide for the appointment of a Commissioner by office. It provides for triennial election of divisional councillors, but does not fix any limit for the term of nominated commissioners. Clause 42(h), however, enables the Resident to make rules fixing the term of Commissioners. It seems better perhaps to provide as in the Madras Act and in the existing rules referred to above that appointed councillors also shall hold office for 3 years and omit sub-clause (h) from clause 42 altogether. This will definitely limit the term of a Commissioner to 3 years.

If this is accepted, the following new clause may be added after Clause 52.

"Every commissioner appointed by the Resident shall hold office for a term of 3 years with effect from the date of the notification of such appointment in the Mysore Residency Orders".

39

Election Offences.

Clauses 57 to 63 of the draft relate to 'Election offences' of which ~~sections~~ clauses 59 -60 find a place in Chapter IX-A of the Indian Penal Code. It is not necessary, therefore that they should be repeated in this Law. The corresponding provisions are proposed to be omitted from the Madras Act. These clauses may similarly be omitted from the draft law and in clause 66 for the words and figures 'under sections 57 to 63', the words and figures 'under Secs ..... or under Chapter IX-A of the Indian Penal Code as applied to the Station, may be substituted.

Clauses 91, 92 Taxes that may be levied - Entertainment Tax etc.

The Corporation of Madras and all Municipal bodies in Madras Presidency are authorised by the Madras Local Authorities Entertainments Tax Act, 1927, to levy a tax on entertainments provided within their limits. It is also proposed to authorise the Madras Corporation to levy a tax on advertisements in the City by making provisions to that effect in the amending Bill. Recently the Government of Mysore also brought forward a Bill to levy a tax on amusements and to divide the proceeds between the Government and the loca body concerned. The Civil and Military Station Municipal Commission also passed a resolution in September 1932 in which it proposed to levy a tax on amusements and other entertainments in the Station at rates not exceeding the scale laid down therein.

The points of difference between the two rates are:

(1) The Mysore tax provides for a ~~rate~~ tax at the rate of 25% ~~tax~~ on payments for admissions subject to the conditions (1) that the tax shall not be levied where payment for admission is not more than as.8 and (2) where ~~the~~ the 25% rule involves hardship the graduated scale laid down in the Bill might be adopted.

In the resolution of the Station Municipality (1) no uniform rate is laid down (2) payments for admission exceeding

exceeding as.2 are taxed and (3) the graduated scale laid down therein is the maximum. Except for the lowest grade (two annas - six annas) the scales of graduation are the same in both cases with the difference that the scales proposed in the Station are the maximum while in the Mysore Bill it is flat.

Extension of the lowest grade to payments ~~xxx~~ over two annas appears to be advantageous in that few entertainments will escape taxation though it may also have the effect of weighing more heavily upon the poorer classes.

(I/1) ~~Otherwise the provisions of the Mysore Bill appear to~~ The rates as proposed by the Commission ~~be preferable and~~ may be adopted, as the minima ~~if approved, suitable~~, subject to a maximum of 25 per cent. If approved, suitable amendments may be made to the draft on the lines of the Mysore Bill with the above change, the bulk of its provision being brought in as rules in a Schedule to the Law. The amendments to the draft (suggested at flag E) will be necessary if it is decided to make provision for the levy of an Entertainments Tax.

(E) The question of a tax on advertisements ~~may perhaps~~ was also raised by the Commission in connection with the proposals for financing the new water-supply Scheme. ~~be deferred for the present~~. Clause 91 vests power in the Commission to levy any other tax with the Resident's sanction}. The question may perhaps be considered further on ~~xxx~~ receiving a communication from the Ml. Commission or on ~~xxx~~ hearing from the Govt. of Madras. The Act proposed to be

followed in Madras is the Act for the levy of a tax on Advertisements in Bombay City.

One thing that may be noted in this connection is the fact that clause 91 repeats the provision in section 41 of the existing Law that the property tax (general) should not exceed a maximum of 10 per cent. Property tax in the Station comes to only 14 per cent - general and water tax combined. This is far belw what obtains in Madras City (about 17 percent) and in many muffassal municipalities in Madras Presidency. No limit is laid down in the Act on the power of the Corporation or the municipalities to tax themselves. The statutary limitation on the Commission's power to raise the property tax stands in the way of its undertaking costly improvement schemes. There is no reason to fear that the Commission will be so unmindful of the rate-payers' interest as to embark on extravagant taxation. It is for consideration therefore whether the provisions in clause 92 relating to the maximum rates may be omitted.

Clause 94. General Exemption from Property Tax.

By the Governor General's notification no.4945-I dated the 17th December 1891 issued under section 3 of the Municipal Taxation Act, 1891, as applied to the Station the Municipal Commission is prohibited from levying on military buildings in the Station a lighting ~~tax~~ rate payable by the Scretary of Stae. It does not however appear that lighting tax is levied separately like water tax. Apparently a part of the proceeds of the property tax levied for general purposes is utilised for lighting In that ~~case~~ it is necessary to provide for a proportionate reduction of the property tax levied on military buildings.

The following may be added as sub-clause (2) to clause 94 the existing clause being renumbered as sub-clause(1):

"If the property tax levied under section 91 includes any rate to meet the charges on account of lighting in the Station, the Military buildings in respect of which such tax is payable by the Secretary of State for India in Council shall be entitled to a reduction in the rate of the tax proportionate to the lighting rate levied on them.

42

E Pn. 48 of Draft — Clause 108. Exemptions from Profession Tax.

Under notification no. 2789-I dated the 22nd July ~~1881~~ 1884 of the Governor General in Council issued under section 3 of the Municipal Taxation Act, 1881 as applied to the Station, all persons exclusively in military employ or belonging to any department directly attached to the Army and P.W.D. (Military Branch) being persons subject to the Army Act or the Indian Army Act 1911 or the Air Force Act and living by exigencies of military or Air Force duty in the Station are exempted from payment of profession tax. It is therefore necessary to add a proviso to clause 108 to the following effect:

" Provided that no tax shall be levied under this section upon persons who are exempted by notification under section 3 of the Municipal Taxation Act, 1881, as applied to the Station."

P T O

Exemption from Vehicles and Animals Tax. Clause 113.

Under section 46 of the existing law exemptions are sanctioned by resolutions of the Commission and confirmed by the Resident; or by orders of the Resident. The exemptions granted under this provision in respect of all vehicles and animals have been continued under the draft law except (1) in respect of bicycles and tricycles of all warrant officers, non-Commissioned officers and soldiers of the regular forces, (2) asses kept within the Station (3) vehicles and animals belonging to officers of the City of Bangalore Police Force and (4) vehicles and animals belonging to the Government of Mysore.

It is for consideration whether provision for the exemption of cases (1),(3) and (4) should not be retained in the draft. If so, the following may be entered as sub-clauses (i), (j) and (k) of Clause 113.:-

(i) "Bicycles and tricycles of all warrant officers non-Commissioned officers and soldiers of the regular force

(j) vehicles and animals belonging to the City of Bangalore Police Force

(k) vehicles and animals belonging to the Government of Mysore"

In clauses 117 and 118 of the draft for the words and figures "Hackney carriage Act, ~~1879~~ 1958" the words and figures "Bangalor

P.T.O.

"Bangalore Hackney Carriage Act, 1879, as applied to the Civil and Military Station" may be substituted.

P.T.O

44

TOLLS.- Clauses 130-134.

In Madras, tolls have been completely replaced by a tax on motor vehicles. The question of the abolition of tolls, except on carts, in the station is under correspondence with the Government of Mysore. Unless tolls are to be abolished completely no change would seem to be called for in the draft law.

Page 60 of draft

FINANCIAL RULES. Clause 138.

S. N. 4

With refernece to the suggestion in para 10 of the President's demi-official letter to omit the provision relating to audit, the words 'and the audit of municipal accounts' in clause 141 may be omitted.

No rule appears to have so far been made by the Resident under section 175 (o) of the existing law for the inspection and audit of accounts. Perhaps rules similar to those in Part III of Schedule ~~III~~ V. to the M.C.M. Act, 1919 with suitable modifications may be made after the draft is passed into law.

§ Page 152 of Vol. VI of Mun. Enactments. (Rev. ed.)

+ (M)

PROPERTY VESTED IN THE COMMISSION. clauses 142 - 144.

In Chapter VI(Finance) clauses 142 to 144 relate to property vesting in the Commission, their control and transfer. The Commission's powers in regard to property are dealt with in Chapter IV.

Chapter VI also contains a sub-head 'Municipal Fund' which is defined in Clause 139 as fund constituted by all monies received by the Commission. The properties referred to in clause 142 are not monies. It seems more appropriate that these clauses are transferred to Chapter IV-Clause 142 preceding clause 67 and Clause 143 following 67 while clause 144 may follow clause 69.

47

Clause 145. **L O A N S**

In clause 145 of the draft it is proposed that the sanction of the Govt. of India should be obtained for any loan exceeding five lakhs of rupees. In clause 147* ~~only~~ the Resident's sanction only is provided for when a loan is taken in excess of the maximum borrowing powers of the Commission. The maximum borrowing power of the Commission as laid down in clause 147 is limited to an amount the annuity (includes principal and interest) for the repayment of which would be equal to 12½ per cent of the annual value of buildings and lands in the Station as defined by Chapter V. 12½ per cent of the annual value would itself come to about 3 lakhs@. The loan represented by this amount would therefore be considerably above 5 lakhs. It is anomalous to provide for the Resident's sanction in such cases while ~~of~~ the sanction of the Govt. of India is required for any loan of more than 5 lakhs. It is therefore necessary to provide that loans in excess of the maximum borrowing ~~powers~~ capacity of the Commission as laid down in the Law should also be sanctioned by the Govt. of India. For the words 'Resident' in the section the words 'Government of India' may therefore be substituted.

* page 64

@ calculated with reference to the present income from ~~from~~ property tax levied at 8 %.

P.T.O.

Clause 151.

Maintenance and investment of Sinking Funds.

In clause 151(2)(c) of the draft law the Collector and the Secretary to the ~~Resident~~ Local Govt. are proposed to be made joint trustees of the municipal sinking fund to be constituted for the redemption of loans. In the Madras Act, the trustees are the Secretary to the Government in the Finance Department and the Accountant-General, Madras. As trusteeship involves the work of dealing in securities, it seems desirable to have, as one of the trustees, one who is in touch with the securities market. In this view the Accountant General, Madras, who is also the Accounts Officer to the Resident, may be substituted for the Secretary to the ~~Resident~~ Local Govt. It is of advantage to retain the Collector as he possesses, as President of the Municipal Commission, intimate knowledge of the municipal finance. In clause 151(2)(c) for the words 'Secretary to the ~~Resident~~ Local Govt.', the words 'Accountant-General, Madras' may be substituted.

49

(709) draft -

Clause 163. Unexpended budget grants.

Page 66 of (M)

Clause 163 of the draft law contains a provision for carrying forward the unexpended budget grant of any year to the following one. This corresponds to section 160 of the Madras Act. In Madras this provision has had the effect of such unexpended items not being properly exhibited in the accounts. It is therefore proposed to be omitted from the Madras Act. It seems desirable therefore to omit this clause from the draft law.

M
M/X

P T O

(New Clause after clause 167)

PROVISION FOR WATER SUPPLY.

Section 165 of the Madras Act lays on the Municipal Council an obligation to provide an adequate supply of good drinking water. No provision corresponding to the above seems to have been suggested by the lawyers in the draft Similar obligatory provision has been made under lighting, drainage, latrines, scavanging etc. It seems desirable to make a provision in the draft on the lines of section 165 of the Madras Act. If so, the following may be inserted after clause 167 of the draft.

"(1) The Commission shall provide a supply of wholesome drinking water within the Station and shall erect sufficient stand pipes, fountains or other conveniences for the gratuitous supply of water.

(2) The Commission shall, as far as possible, make adequate provision that such supply is continuous throughout the year."

Clause 186. Provision of latrines by the owner or the occupier of the premises

In Madras a provision is proposed to be made for the compulsory provision of flush-out latrines in sewered areas in the City. It may perhaps be desirable to make a similar provision in the draft as well. If the suggestion is accepted the following proviso may be made to clause 186:

" Provided that every latrine provided under this section shall, in the sewered areas of the Station, be of the flush-out type."

P.T.O

Clause 225.

52

Encroachments on streets.

Page 97 of Draft.

In clause 225 of the draft, power is proposed to be given to the Commission to sanction certain encroachments on streets specified therein. This provision has been found inadequate in Madras and a proposal to authorise the Corporation to sanction temporary encroachments of all kinds ~~is~~ was suggested by the Committee and was under the consideration of the Madras Government It may therefore be desirable to amplify the powers of the Municipal Commission in the matter on the same lines. If this suggestion is accepted, in clause 225 (1)(b), the words on occasions of festivals and ceremonies' may be omitted

Page 87 of (M)

(on the lines of sec 223 of the M.C.M. Act 1919.)

* Page 96 of draft.

21/X

Clause 232. Building Regulation.

Chapter X of 'Building regulations' contains a great deal of detailed matter which is more suitable for inclusion in subsidiary rules than in the body of the law. This was the view expressed on the corresponding chapter of the Madras Act by Mr. Hilton Brown, the late Secretary to the Government of Madras, Local Self Government Department, and the Chapter is proposed to be amended accordingly. If the same view is accepted here, only some of the important provisions need be retained and the rest may be omitted as indicated further below. The omitted portions may be incorporated in rules to be made in future.

Clause 230 of the original draft authorised the Resident to make rules on the subject. The sub-committee substituted the word 'Commission' for 'Resident In Madras 'building rules' are issued by the Local Government. The word 'Resident' may be retained in the draft and the detailed provisions referred to in the following clauses omitted:

Clauses 231 to 242, and 244 to 247, 249 and 251 to 256. Clause 243 regarding the powers of the Resident to control building in certain areas may be retained.

The omitted provisions may be included in the rules that will be issued under the law, after it is brought into force

The provisions of the existing Act are found inadequate in Madras to deal with the problem of slums or cheries. It is therefore proposed to incorporate a new chapter in the proposed Bill on the lines of the Chapter on 'Bustees' in the Calcutta Municipal Act, 1923. The provisions in the Calcutta Act are very elaborate. It is doubtful whether the problems of slums is so very keen here as in Madras., In this view it may not perhaps be necessary to make similar provision in the draft Law.

Clauses 291-292. Factories etc.

Clauses 290-292 of the draft follow the corresponding sections 287-289 of the Madras C.M. Act. They appear under the sub-head 'Industries and Factories but nowhere in the sections do these terms appear. Sections 288-289 appear to deal with factories. Section 288 requires the ~~President's~~ Commissioner's permission for the 1st erection of a machinery of the kind described in the section, but it does not provide that a like permission should be obtained for extensions, alterations, etc., of factories. This section of the Madras Act is proposed to be amended so as to require permission in such cases. Section 103A(i) of the existing Bangalore Municipal Law provides for these matters and it appears to be preferable to retain this section for sub-clause (1) of new clause 291.

Sub-section (2) of section 288 of the Madras C.M. Act provides for the refusal of permission or for conditional permission only when the ~~President~~ Commissioner is of opinion that the machinery is objectionable by reason of the density of population in the neighbourhood or that it is a nuisance to the inhabitants of the neighbourhood. At the instance of the Chief Inspector of Factories, this sub-section is proposed to be amended in Madras so as to provide for conditions which ensure the health and safety of the persons working on the premises. It is desirable to insert a provision to this effect in sub-clause (2) of clause 291 of the draft. ~~as well.~~

If the above suggestions are accepted clause 291(1) & (2) will read as follows:-

291 (1) No person shall, without the previous written permission of the President, newly establish or materially alter, enlarge or extend any factory, workshop or workplace in which it is intended to employ steam, water or other mechanical power.

(2) The President may refuse to give such permission if he is of opinion that the establishment, alteration, enlargement or extension of such factory, workshop or workplace is objectionable by reason of the density of the population in the neighbourhood or will be a nuisance to the inhabitants of the neighbourhood or that adequate provision has not been made as required by this law or any other law in force in the Station to ensure the health and safety of the employees working on the premises, or may grant such permission under such restrictions and regulations as he thinks fit.

..cu
21/x

P 7 0

Rule 9 of Schedule I.

Appeals against assessment.

In Schedule I of the draft law provision is made for appeals to the Standing Committee of the Commission in the matter of assessment. This procedure is laid down in rule 140 Schedule IV to the M.C.M. Act ~~This method~~ was condemned by the Indian Taxation Enquiry Committee (presided over by Sir Charles Todhunter) as leading to corruption and, it is proposed, for that reason, ~~it is proposed~~ to be given up in Madras. Instead it is proposed to make provision for appeals to the Court of Small Causes. It seems desirable to omit rule 9 and amend rule 10(a) suitably substituting 'the District Judge, Civil and Military Station' for 'standing committee The amended draft rule 10(a) will then run as follows:- Preamble to

"Where on an application for revision of assessment the applicant is dissatisfied with the order made by the President thereon, an appeal shall lie to the Court of the District Judge, Civil and Military Station, Bangalore, against the order, but no such appeal shall be heard by the said Court unless"-- (as in the rest of the clause)

56

PENALTIES. Schedules IV and V.

Following the decisions (1) to retain the original chapter on Taxation (Chapter V) as drafted by the lawyers and (2) to omit the provisions in Part III of Schedule II regarding audit, surcharge and disallowance, it becomes necessary (1) to retain the 1st 11 items of Schedule IV regarding penalties which were omitted in the Commission's draft (Schedule III) and (2) to omit the last item of penalty provided for failure to obey requisition by auditors in Schedules IV and V.

Paragraph 3 of S.N.4 and para 16 of note

Pages 41-60 and 193-194 of draft

Page 197 and 201 & 202 of draft

P T.

References to other Acts.

The draft contains references to other Acts as detailed below.

1. The Indian Companies' Act, 1882 ~~(need not be 'as applied')~~
2. Land Acquisition Act, 1894.
3. The Indian Defence Force, 1917.
4. The Indian Motor Vehicles Act, 1914.
5. The Hackney Carriage Act, 19
6. The Indian Stamp Act, 1899.
7. The Indian Penal Code.
8. The Indian Contract Act, 1872.
9. Code of Civil Procedure.
10. Indian Trust Act, 1882. ~~(need not be as applied)~~

Of these, the references to all Acts except

1. The Indian Companies' Act, 1882
2. The Indian Defence Act, 1917, and
3. The Indian Trusts Act, 1882

have to be to Acts as applied to the Station.

But only one Act - The Indian Stamp Act, 1899 - has been so referred to.

The references to other Acts may accordingly be corrected by the addition of the words 'as applied to the Station' after the reference to other Acts whenever they occur.

CORRESPONDENCE.

Dear,

Herewith a copy of a note I am handing hon. Lodhi on the re- draft of the Bangalore Munic- ipal Law. The first three para explain how matters stand at present. I am sending you this spare copy in case the orig should be overlooked. You can do anything on it until you the a copy of the draft pro of the Lawyers & the Sub-Co : with his recommendations to — the latter would have to be con of the Commissioner too.

I have spent a lot of time thought on this & am sorry it was not completed before the

Strictly Confidential

BANGALORE MUNICIPAL LAW

16

As approved by a D.O. letter from the Secretary to the Resident the Law has been drafted by the lawyers on the model of the Madras City Municipal Act. Where this act was unsuitable to the special circumstances of Bangalore or involved an unnecessary change from existing practice the existing Bangalore Municipal Law has been followed with such modifications as seemed called for.

Mr. Surya Prakas prepared the printed draft in close collaboration with me but the work involved a large amount of time and labour and I did not have time to go through it again with him after it had been printed. The printed draft is now under the consideration of a sub-committee appointed by the Commission who have been through about three-quarters of it and have suggested a number of amendations.

As I am leaving shortly I wish to put on record my views regarding certain sections of the printed draft and the changes suggested therein by the Sub-Committee. In quoting sections I shall follow the numbers of the printed draft though they will have to be altered later on owing to the omission of certain sections and inclusion of certain others.

Section 3 sub section 6 & 7.

For reasons for which will be explained when dealing with the section regarding taxation, I do not think the distinction between carriage and cart in the Madras Act need be kept. For these two definitions I would suggest (1) as follows:-

"Vehicle means any wheeled vehicle carriage, cart motor car, motor lorry, motor omnibus, motor cycle, bicycle tricycle or rickshaw"

Section 9 (1)

I agree with the Committee's recommendation to debar salaried officers of the Commission from being Commissioners. At present Mr. Murphy the Executive Engineer is the only one under this category. Though Commissioners do not object to him personally they feel on general grounds that the arrangment is not a satisfactory one and I agree with them.

It might be ~~possible~~ desirable to insert ~~the~~ a section to allow the Health Officer and Engineer to attend and speak at meetings on the lines of Section 33 of the Madras Act

Section 10 - Standing Committees

The existing Bye-laws governing these are contained in Bye-Law No.6 at pages 7 to 9 of the volume of Bye-Laws. These Bye-Laws are somewhat vague and do not state clearly the actual present practice At present all items to be dealt with by the Commission are first gone into by the Standing Committee who in almost all cases make definite recommendations for the approval of the Commission. This procedure has grown up as a "custom of the constitution" without written sanction. I consider it eminently useful but one or two Commissioners have questioned the powers of the Standing Committee to make recommendations on propositions put in by individual Commissioners or on the proposals of other Sub-Committees.

The next important Committee at present is the Health Committee which functions more or less on the lines laid down by Section 23 of the Law and Section B of Bye-Law No.6. Other Committees for Water, Markets and Municipal houses deal with minor matters of administration and their proceedings are generally given effect to by the President's executive orders without coming up to the Commission.

On the whole all these arrangements work well and Section 10 (1) of the draft is intended to give effect to them on the lines of the Madras Act, but as it will be seen later, it is proposed following the Madras practice, to delegate considerable definite powers now exercised by the Commission to the Standing Committee

Certain members of the Sub-Committee which considered the Law seemed very distrustful of entrusting any power to the general Standing Committee and the Sub-Committee have eventually recommended that the Madras Act should be followed more closely and that we should have 4 Standing Committees instead of two. But it is their intention that these should function merely as Sub-Committees and not have executive powers. I am

opposed to this change as I think there will
culty in finding the necessary personal and arranging times of meetings for 4 Sub-Committees. However, if the Sub-Committee's recommendation is accepted no great harm will be done as arrangments could be made under Section 19 of the draft to club these 4 committees into something of the nature of the present Standing Committee.

Section 14 proviso.

I think this should stand as in the draft. I do not agree with the Sub-Committee's proposed amendment.

Section 18 (1)

If two Committees are to be retained, the wording of the draft should stand. If there are to be four, the changes proposed by the Sub-Committee is alright. The provision for nomination by the Resident in section 18 (1) will enable the Garrison Engineer to be a member of the general Standing Committee as he is at present. It is useful but not essential to have him on it.

Sections 18 & 79.

An important change to be made by the new Law concerns the arrangement regarding the Health Officer and the Health Committee. The existing practice is in Bangalore Municipal Law Sections 19 & 23. Under Section 19 the Residency Surgeon is ex-officio Medical Officer and therefore presides over the Health Committee under section 23. ~~It~~ This is a very antiquated arrangement originating in the days when the Commission had no proper Health Officer of its own. Now we have a well paid Health Officer who should perform most of the functions of the former Medical Officer, the Residency Surgeon acting more in the capacity of Sanitary Commissioner or Surgeon General to Government. Similarly I think the President or Vice-President might well preside over the Health Committee and get sufficient medical advise from the Health Officer. I understand from the Residency Surgeon that he is quite ready to give up his existing functions. It would be a matter for consideration whether he should remain a member of the Commission. Personally I

think not, as he finds it difficult to attend regularly. I should personally prefer to decrease the official element in the Commission by eliminating the Residency Surgeon and more Engineer which would make it a responsible body and would be a more satisfactory arrangment so long as adequate provisions for its control in extreme cases. This is the general object which I have followed in any changes proposed.

Sections 23 & 24.

I think the drafting here is susceptible of improvement and would suggest that these 2 sections should run as follows:-

Section 23 - "The Commission shall at its first meeting after every general election elect one of its number to be its Vice-President, and every Vice-President so elected shall if approved by the Resident hold the office of Vice-President for such term as the Resident may by rule fix.

If the Resident does not approve of the person so elected the Commission shall elect another of its number to hold the said office;

Provided that if the Commission, instead of electing a Vice-President applies to the Resident to nominate a Vice-President from among the Commissioners, or if no election has been made within two months from the occurence of a vacancy in the office of the Vice-President, the Resident may, if he thinks fit, appoint one of the Commissioners to be a Vice-President for the like term".

Section 24 - "On the occurence of any vacancy in the office of Vice-President a new Vice-President shall be elected or appointed in the manner provided by Section 23 and shall be entitled to hold office so long as the person in whose place he is elected would have been entitled to hold it if the vacancy had not occured".

The changes suggested are purely a matter of drafting.

Section 36.

The phrase "necessary in the interests of the Municipal Government of the Station" was introduced at my suggestion. It has been found in practice that the Commission may do or

refuse to do things not actually contrary to the Law but objectionable, e.g. the appointment of a Stores Committee in 1924 and the refusal to sanction the staff necessary to collect revenue in 1927. The practice in such cases has been for the Resident to refer the matter back for the further consideration of the Commission. In the matter of the Stores Purchase Committee the official vote was whipped up to the maximum and the resolution rescinded but it was not possible to do this in regard to the Revenue staff. Considering the exceptional circumstances of the Station and the necessity for safeguarding Military interests I consider some such power as that conferred by this phrase eminently desirable. It is unlikely that it will be often resorted to. The Sub-Committee have not objected to it but may have overlooked it. There will probably be objection later.

Section 46 (c).

I prefer the wording "for such preceding year" instead of "up to the time.etc" at the end of the sub-section.

Sections 47, 49 & 50.

I think these might be omitted and included in the Bye-Laws. They seem unnecessarily lengthy for inclusion in the Law.

Section 51.

I suggest the insertion of a sub section (1) (f) "that his continuance in office is in the opinion of the Resident for reasons to be recorded in writing incompatible with the efficient Municipal administration of the Station." Our experience with Mr. Jeremiah seems to indicate the need for some such section and I do not think it can be regarded as unduly arbitrary. The reasons must be recorded in writing and they would have to be strong ones.

Section 69.

The changes proposed by the Sub-Committee indicate their distrust of the Standing Committee already alluded to I prefer the wording of the draft but the matter is not of great importance.

Sections 72 to 74.

These sections give increased power to the President to sanction estimates and make contracts from the existing figure of 500 to 2000 and confers power on the Standing Committee to deal with these matters up to Rs.5000. These figures are very much less than the corresponding powers in Madras, and I consider the proposals in the draft to be sound. The Sub-Committee however, were extremely reluctant to give any such powers to the Standing Committee or to increase the existing powers of the President. They regard the proposal in the draft as depriving them of part of the small powers they already possess. I endeavoured to explain to them that an elected body of 30 members is most unsuitable for dealing with matters of this kind as it only meets once a month, has to be tied down by strict rules of procedure if it is ever to conduct any business at all, and papers have to be made available for 30 individuals to go through them. There is no doubt that the executive work would be very greatly facilitated by the proposals in the draft, and I do not think that the Commission would lose any power that is really worth having. At present nearly all such estimates and contracts are passed "en bloc" ~~on block~~ without discussion at the end of each meeting. I would therefore urge that sections 72 to 74 be kept as in the draft or at any rate that the Standing Committee be given power to sanction up to Rs.5,000. If the President's powers are kept at Rs.500 no great harm will be done.

Section 79.

I am very strongly opposed to the Sub-Committee's proposal to allow the Commission to appoint the chief executive officials. My view would perhaps be justified by the special circumstances in Bangalore but I prefer to base it on wider grounds. An elected body of 30 members is in every way unsuitable for choosing and being responsible for the discipline of executive officers. It is tied down by rules of procedure and unless it debates are carried on in public, suspicion is bound to be aroused. I attach a cutting

from Madras Mail of October 21st 1928 which illustrates what I mean. Recent proceedings in the Madras Corporation regarding the appointments of Health Officer and Revenue Officer also strongly support this view. It may not be out of place to mention that in Southern Ireland appointments of this nature have been taken away from local bodies. I attach an article from the Irish Statesman which throws light on the subject. My objections are not based mainly on the ground that appointments by the Commission would lead to wire-pulling and graft though this cannot be entirely eliminated. My main ground is that an elected body of 30 persons is in every way unsuitable to perform these functions.

Section 81 (1).

I should prefer to put a full stop after Resident and omit the rest of the Section for the reasons already given as to the undesirability of the Commission having disciplinary control over these officers. They can always address the Resident to remove them.

Section 83.

The draft gives effect to the existing procedure but for reasons similar to those just given regarding appointments, I think it would be much more satisfactory to take away all power of appointment from the Commission; at present it has the power to appoint 3 or 4 officers drawing over Rs.150 other than the 3 chief executive officers. There is no logical justification for allowing it to appoint these but not those either above or below that. There has been trouble in the past over the abolition of the appointment of Assistant Engineer which led to a lot of lobbying in 1925. I think the President might well be entrusted with the power to make all these minor appointments but if considered necessary those over Rs.150 could be made by the Resident.

Section 89 Provisos.

I would favour an appeal to the Resident from orders of the President in all cases or perhaps no appeal need be proceeded in the case of appointments under say Rs.30 a month.

Chapter 5 Taxation.

I do not agree with the Sub-Committee's recommendation to keep the existing Law on this subject. I think it is antiquated and that there is a good deal included in the Law which is unnecessary while important things are left out. On the other hand I would suggest the following changes in the lawyer's draft most of which make it an approximate more closely to the Madras Act.

Section 91 sub section (d) & (e).

I would suggest that (d) should read "a tax on vehicles and animals" and (e) be omitted. This will give effectmto existing procedure here and I see no reason for making a statutory provision for a separate tax on ~~carriages~~ carts as is done in Madras. The tax ~~of~~ on different classes of vehicle could be suitably provided for by Bye-Law thereby ensuring greater flexibility.

Section 92.

Section 99 of the Madras Act might be followed more closely, reading as follows:-

(1) The Property tax, which shall be levied at a consolidated rate on all buildings and lands within the Station save those exempted by or under this Law or any other Law for the time being in force, shall comprise-
(a) A water tax for the purpose of defraying the expenses connected with the water system;
(b) A tax for general purposes.

(2) Subject to the provisions of Section the taxes described in sub-section (1) shall be levied at rates fixed at percentages of the annual value of lands and buildings, such rates being determined by the ~~council~~.

(3) For the purpose of assessing the property tax the annual value of any building or land shall be determined by the President"

Section 93 (2) (b).

This may be omitted. It was taken from the Bangalore Municipal Law but I have found on inquiry that it is not now resorted to.

Section 94 (e).

After any building add the words " or ~~lease~~ land". After this section insert Madras 102 with necessary verbal alterations omitting the mention of drainage and lighting taxes. In sub section (c) of ~~this section sub section (1) of it~~ Madras 102

road 2 for Rs.3 and 2 for Rs.4 in sub section (4)(iii) (5). Omitting sub sections (d) of Madras 102.

Section 96 of the Lawyer's draft.

This has been taken from the Bangalore Municipal Law but I think it is unnecessary. The addition made to section 92 is quite sufficient authority for the water tax.

Section 99.

I would follow Madras 105 more closely and word the section as follows:-

"When any building has been vacant for 60 consecutive days in any half year the President may and if the owner of such building or his agent has given notice shall remit so much not exceeding a moiety of the tax due for such half year, as is proportionate to the number of days during which the building was vacant"

(2.) Every such notice shall expire with the half year during which it is so delivered, and shall have no effect thereafter".

The existing procedure is given in Section 60 of the Bangalore Municipal Law and appendix No.43 at page 157 of the printed volume of Bye-Laws and appendices. Both here and in Madras according to the present ruling remission cannot be given unless there has been notice. While it is a sound provision in most cases I have not infrequently come across cases where it was perfectly plain that the building had been vacant for a long time and where it was impossible or undesirable to attempt to collect the taxes. I think the President should be given power to grant remission in such cases as in the draft which I have now made.

Section 104.

May be omitted as this will be covered by Madras section 102 which I have proposed to insert after section 94 of the draft.

Sections 105 to 110.

May be omitted as we do not levy Company or Profession

taxes at present except a tax on Bankers for which detailed statutory provision is unnecessary.

Sections 111 to 117.

Read Vehicles for carriages through out and omit half before yearly. This will continue the existing system which I approve of.

Section 112 (1)

I would suggest the following which is the wording of the existing Bye-Law on this subject:-

"In the case of any such vehicle or animal newly come into the possession of a person in the course of a year, the tax shall become due on the expiration of thirty days from the date of such possession and shall be payable at the rate of one half of the tax if possession accrued on or after October 1st; provided also that if any person ceases to possess any such vehicle or animal on or before September 30th and has paid the tax he may be granted refund of one-half of the tax.

Provided that no person shall become liable to the tax on any vehicle or animal which has been in his possession for less than thirty days in any year".

Section 113.

Add a sub section (i) "any other class of carriage or vehicle exempt by resolution of the Commission". The Commission have exempted the vehicles of Commissioners from taxation, under Section 146 (2) of the Bangalore Municipal Law.

Section 124.

Omit the words "nine-tenths of" in accordance with the present practice here.

Section 127 (1).

Omit the words " or of any toll" as tolls are dealt with later on.

Buildings other than huts - Section 236 etc.

The Sub Committee are prepared to leave to the Presiden the powers conferred by these sections but it is to be remembered that about 1924 Mr. Abdul Latheef and some others were very keen that the Health Committee should control all such cases. It is quite possible that this will be raised again. I consider any such proposal entirely impracticable

if only for the reason that the referring of all building applications to the Health Committee would lead to hopeless-delays. Mr. Tasker certainly had an idea of a building committee to deal with such applications but remarked that it was not practicable at present. I do not think it is desirab now.

Section 241.

The Sub Committee have eliminated the control of the Standing Committee by their amendment. I think this is all to the good but would not be violently opposed to the retention of this control.

Section 243.

This reproduces the newly passed section 83 (a) of the Bangalore Municipal Law putting the control of buildings in the Military area under the Resident. The Sub Committee have resolved to address the Resident for its abolition though I held out no hopes that this would be done. I agree however, that the wording of the present section is not entirely satisfactory as it is worded follow strictly which entails all such applications being made to the Resident in the first instance. I have got round this by getting the Resident to authorise the Collector and President, Municipal Commission as his assistant to dispose of such applications unless there is any difference with the Military authorities. I think it would be better to retain this section so as simply to give the Resident power to overrule a sanction given by the President in cases of a difference of opinion between the President and the Military. I regret that I have no time to make out a draft on these lines.

I have not been able to give the rest of the draft a detailed final scrutiny.

H Mundell.

23.X.28.

H. O.
14 1,000—27—7—1929.

No. 1299/30 Enc: 4. 28/4

CIVIL AND MILITARY STATION, BANGALORE.
MUNICIPAL OFFICE.
DATED 28th April 1930

From

G. H. COOKE ESQ., M. C., I. C. S.,
President, Municipal Commission,
C. & M. Station, BANGALORE.

To

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

SIR,

Revision of the Bangalore Municipal Law and the Bye-laws.

With reference to the correspondence ending with this office letter No.Gt.163/27/145-24, dated the 8th December 1927 on the above subject, I have the honour to inform you that Mr. Surya Prakas completed the draft of the new Bangalore Municipal Law in February 1928 and printed copies of it were received from him in June 1928. Each Commissioner was supplied with a copy. In July 1928 the Commission appointed a Sub-Committee of 5 non-official members with the President as Chairman to report on the draft - vide copy of resolution No.3, dated the 27th July 1928 enclosed.

2. The Sub-Committee commenced its sittings on the 10th August 1928 and ended on the 19th February 1929 after having held 18 meetings. The Committee considered each Section of the draft carefully and made certain alterations and amendments.

3. The draft as amended by the Sub-Committee was circulated to Commissioners and placed before them at a special meeting held on the 25th March 1930 when it was resolved that the draft be accepted with a slight alteration in Section 19 (1) and be recommended to the Hon'ble the Resident for submission to the

P.T.O.

Government of India. I request that the Hon'ble the Resident may be pleased to submit the draft to the Government of India accordingly

4 1 printed copy# of the draft as prepared by Mr. Surya Prakas. a copy of the draft as amended by the Sub-Committee embodying the alteration suggested in the Municipal Commission's resolution§ referred to in para 3 supra, together with a copy of the proceedings§ of the Sub-Committee are enclosed.

(R)

* (B)

§ S.N. 2/b infra

§ S.N. 2/c infra

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5. Early action is requested.

I have the honour to be,

Sir,

Your most obedient servant,

President, M. C.

MVL.

28/4/38

Municipal Commissioner's resolution dated the 27th July 1928 (Ordinary meeting).

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3. Appointment of a Sub-Committee to report on the draft of the New Bangalore Municipal Law.

Recommended that a Sub-Committee be formed consisting of the President (Chairman) and 5 non-official members to report on the draft.

Resolved that a Sub-Committee consisting of the following 5 non-official members of the Commission, with the President as Chairman, be appointed to report on the draft of the New Bangalore Municipal Law:-

Mr. B. C. Rajagopal Moodr.

" B. A. Madhavaroya Moodr., (R.S.)

" R. E. Paezold.

" Mahmood Shariff.

" M. Abdul Latheef.

(Sd). T. B. Russell,

President, M. C.

' Copy. '

MVL.

P. Jawantham.

Encl II 2/b

Municipal Commission's resolution dated the 25th March 1930. (Special Meeting).

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1. Draft of the new Bangalore Municipal Law.

Resolved that the draft of the new Bangalore Municipal Law as amended by the Sub-Committee appointed by the Commission in their resolution No.3 dated the 27th July 1928 be accepted with the following alteration and be recommended to the Hon'ble the Resident for submission to the Government of India:-

Encl I

For the word "five" in line 3 of Section 19 (1) of the draft as amended by the Sub-Committee read "six".

not read yet

(Mr. Jeremiah who did not vote for the resolution reserved his right to submit a dissenting note to the Resident and the Government of India)

(Sd). G. H. Cooke,

President, M. C.

Copy.

MVL.

P. Ganapathy

Encl III

2/c

Proceedings of the Sub-Committee appointed to report on the draft of the New Bangalore Municipal Law, dated Friday, the 10th August 1928.

Present - The President (Chairman), Messrs. Abdul Latheef, Paezold, Mahmood Shariff, Madhavaroya Moodr and Rajagopal Moodr.

Mr. C. N. Surya Prakas the Health Officer and the Secretary were also present.

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1. After a preliminary general discussion, the Committee approved of Sections 1 to 9 in the draft.

Section 10 in the draft.

2. After a discussion lasting for sometime, the Committee considered that it was necessary to have four Standing Committees as in Madras and recommended that Section 10 (1) be re-drafted on the lines of Section 6 of the Madras City Municipal Act 1919.

3. The Committee approved of Section 10 (2) in the draft.

4. The Committee considered it necessary for the Commission to have power to appoint 'other Committees' and on the suggestion of the Chairman agreed to the insertion of a section similar to Section 24 in the present Bangalore Municipal Law.

The meeting was closed and adjourned to Monday, the 13th instant at 4-30 P.M.

(Sd). T. B. Russell,

President, M. C.,
Chairman of the Sub-Committee.

Copy.

M. a. David

MVL.

Re-draft of 10 (1) in the draft of the New Bangalore Municipal Law as per recommendation of the Sub-Committee appointed to report on it.

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(1). Substitute the following for Section 10 (1) in the draft:-

"10 (1) There shall be four Standing Committees dealing respectively with (1) Taxation and Finance, (2) Works, (3) Health and (4) Education."

Standing Committees.

(2). Section 10 (2) in the draft to stand.

Insert the following as Section 11.

"11. The Commission may from time to time appoint from among its members, such other Committees consisting of such number of persons as it thinks fit, to advise and report on any matters connected with the purposes of this law."

Other Committees.

(3). Renumber the Sections in the draft from Section 11 as Section 12 and so on.

(Sd). T. B. Russell,

President, M. C.
Chairman of the Sub-Committee.

Copy.

MVL.

M. A. Nawab

Proceedings of the Committee appointed to report on the draft of the New Bangalore Municipal Law dated Monday, the 13th August 1928

Present - The President (Chairman), Messrs. Madhavaroya Moodr, Paezold, Rajagopal Moodr, Abdul Latheef and Mahmood Shariff.

Mr. C. N. Surya Prakas, the Health Officer and the Secretary were also present.

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1. The Chairman read the decisions of the Committee meeting held on the 10th August 1928, and they were approved with the omission of the words "other than those mentioned in the last foregoing section" at the end of the draft of the new Section 11 providing for the appointment of "Other Committees" by the Commission.

2. After a short discussion, the Committee agreed to the deletion of Sub-Section (2) of Section 12 in the draft, which provided for the payment of salary to the President out of Municipal Fund.

3. In discussing Section 13, some members were of opinion that there should be no reference to the Standing Committee. The Chairman explained that a reference to the Standing Committee had been made in this section as it was intended to give some definite powers to that Committee. The sections which dealt with that subject would come in later and if, after discussing them, the Committee felt that the Standing Committee should not be given any powers of disposal, then the words beginning with "or" and ending with "be" in lines 4 and 5 of Section 13 might be omitted. The Committee agreed to the Chairman's suggestion.

4. The Committee approved of Section 14.

5. The following points were raised in discussing the proviso to Section 14:-

(1) Whether the President should report the action taken by him in exercise of the extraordinary powers conferred upon him by Section 15 to a Special meeting to be summoned

for the purpose.

or

(2) Whether such report should be made to the next following meeting of the Commission.

After discussing the above two points, the Committee approved of the latter alternative and agreed to the proviso being amended accordingly.

Mention was also made about the expression one of the other Municipal authorities' in Section (15) (14) but discussion on it was postponed pending the consideration of the question of the powers to be given to Standing Committees.

6. There was a keen discussion on Section (16) (15) relating to the Delegation of President's ordinary powers. Some members were definitely opposed to the President having any powers of delegation and were of opinion that such power should vest in the Commission as at present. The Chairman explained that this provision had been made with a view to avoid simple and petty routine matters being brought up before the Commission. The power proposed to be given to the President was subject to several restrictions. If members felt that they required some more time to discuss the section, they might postpone its consideration.

The Committee agreed to the Chairman's suggestion.

7. After a short discussion, the Committee postponed the discussion of Sections (17) (16) and (18) (17) along with Section 15.

new number 19

8. <u>Section (19) (18)</u>:- The Committee felt that six elected members for each Standing Committee would be too many. It was also contended that there was no necessity for the Resident to have power to nominate a member to each of the Standing Committees. After a discussion lasting for some time, it was decided that there should be five elected members for each Standing Committee and that the provision in Section (19) (18) (1) regarding the nominatio

of a member by the Resident to each of the Standing Committees should be omitted.

After some discussion it was agreed that Section 18 (2) be re-drafted, as follows:-

"When a vacancy occurs in a Standing Committee, the Commission shall fill up the vacancy as soon as possible by the election of another member."

9. The Committee approved of Sections (19) and (20).

10. The Committee postponed the consideration of the question of the retention or omission of "Standing Committee" in Section (21) pending discussion of the question of giving powers to that Committee.

11. The Committee approved of Section (22) regarding duties and powers of individual Commissioners.

12. Sections (23), (24) and (25) - The Committee discussed the point raised by one of the members regarding the necessity for the election of the Vice-President to be subject to the approval of the Resident and decided that the election should be approved by the Resident.

The Committee approved of Sections (23), 24 and 25.

13. The Committee approved of Section 26 (1).

14. Section 26 (2) - After a discussion lasting for some time on the point as to whether provision should not be made in the Act, as at present provided for in the Bye-laws, for an aggrieved Commissioner to bring forward a proposition at the following meeting of the Commission questioning any point of order decided by the President or the Chairman at a previous meeting, it was agreed that such a provision could be made in the Bye-laws.

The Committee approved of Section 26 (2).

15. The Committee approved of Sections 27, 28 and 29.

6

16. After a short discussion the Committee agreed to Section 31 (30) being re-drafted as follows:-

"The President shall by virtue of his office be a member of every Committee other than a Standing Committee."

The meeting was closed and adjourned to Thursday, the 16th instant at 4-30 P.M.

(Sd). T. B. Russell,

President, M. C.
Chairman of the Sub-Committee.

Copy.
for a. Davidson

MVL.

Draft of the alterations and amendments to be made in the draft of the New Bangalore Municipal Law, with reference to the recommendations, dated the 13th August 1928, of the Sub-Committee appointed to report on it.

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(12)

(1). *Delete Sub-Section (2) of Section 11.*

(13)

(2). *The heading "The President" above Section 12 to be put above Section 11 under the heading "The Several Authorities".*

(12)

(15)

(3). *Substitute the following for the proviso to Section 14:-*

"Provided that he shall report the action taken under this Section and the reasons therefor to the next following meeting of the Commission."

(4). *(a) Substitute the word 'five' for the word 'six' in line 3 of Section 18 (1), but a full stop after the word "number" in line 5 and omit the words beginning with 'and' and ending with 'Commissioners'*

(19)

(19)

(b) Substitute the following for Section 18 (2):-

"When a vacancy occurs in a Standing Committee, the Commission shall fill up the vacancy as soon as possible by election of another member."

(5). *The heading "Provisions . . . . . Committees" above Section 23 to be put above Section 26.*

(24)

(27)

(6). *The letter 's' to be added at the end of the word 'Committee in line 5 of Section 26 (1).*

(27)

(31)

(7). *Substitute the following for Section 30 :-*

"The President shall by virtue of his office be a member of every Committee other than a Standing Committee".

(Sd). T. B. Russell,

President, M. C.

Chairman of the Sub-Committee.

Copy.

M. a. David

MVL.

Proceedings of the Sub-Committee appointed to report on the draft of the New Bangalore Municipal Law, dated Thursday, the 16th August 1928.

Present - The President (Chairman), Messrs. Madhavaroya Moodr, Paezold, Rajagopal Moodr, Abdul Latheef and Mahmood Shariff.

Mr. C. N. Surya Prakas, the Health Officer and the Secretary were also present.

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1. *The Chairman read the decisions of the Committee meeting held on the 13th August 1928 and they were approved.*

2. *The Committee approved of Section 31.* (32)

3. *Sections 32, 33 and 38. The Committee suggested that Sections 32 and 33 should be combined and re-drafted on the lines of Section 44 of Madras City Municipal Act 1920. Section 38 was considered a redundancy, as agreed to by Mr. Surya Prakas, in view of Section 33.*

The Chairman asked Mr. Surya Prakas to look into Sections 32, 33 and 38 and put up a re-draft at the next meeting of the Committee for their approval and Mr. Surya Prakas agreed to do so.

4. *Sections 34 and 35, approved.*

5. *Sections 36 and 37. Mr. Abdul Latheef suggested the deletion of these Sections. Messrs. Mahmood Shariff and Rajagopal Moodr were in favour of the retention of these Sections with the omission of Sub-Section (3) of Section 37.*

→ *The Committee agreed to the retention of Sections 36 and 37 with the omission of Sub-Section (3) of Section 37.*

6. *Sections ~~38~~ 38, ~~39~~ 39 ~~40~~ and ~~41~~ 40, approved.*

7. *Section ~~42~~. Approved.*

8. *Sections ~~43~~ 42 and ~~44~~ 43, approved.*

9. *Section ~~45~~ 44 (1). On the suggestion of the Chairman the Committee agreed to the words "provided that" in line 7 of this Section being replaced by the word "and".*

10. *Section ~~46~~ 45. On the suggestion of the Chairman, the Committee agreed to the following alterations being made in*

clauses (a) and (c) of this section:-

(1) Omitting the word "Native" in clause (a).

(2) Omitting the word "Preparation" in clause (c).

11. Section 47, 48, 49 and 50, approved.

12. Sections 51 (1) and (2). The Committee approved of 51 (1), but suggested that a definite period should be fixed in the case of persons disqualified under (c) and (d). On the suggestion of the Chairman, the Committee agreed to a period of 5 years being fixed in these two cases and Section 51 (2) being amended accordingly.

13. Sections 52 to 64, approved.

14. Section 65. The Committee decided to omit this Section, leaving the law to take its course in regard to Election Offences.

15. Sections 66 and 67, approved.

16. Section 68. The Committee decided to omit the provisos to it.

17. Section 69. The Committee decided to delete the proviso to Sub-Section (1) and Sub-Sections (2) and (4) subject to reconsideration after discussing the question of the powers to be given to Standing Committees.

18. The Committee approved of Section 70.

The meeting was closed and adjourned to Wednesday, the 22nd August 1928 at 4-30 P.M.

(Sd). T. B. Russell,

President, L. C.,
Chairman of the Sub-Committee.

Copy.

Mr. A. David

HVL.

Draft of the alterations and amendments to be made in the draft of the New Bangalore Municipal Law, with reference to the recommendations, dated the 16th August 1928, of the Committee appointed to report on it.

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(1). The heading "Powers of the Resident" above Section 34, to be put above Section 32.

(2). Omit Sub-Section (3) of Section 37 and renumber Sub-Section (4) as Sub-Section (3).

(3). Omit the words "Provided that" in line 7 of Section 45 and substitute the word "and" for them.

(4). Omit the word "Native" in line 2 of clause (a) of Section 46

(5). Omit the words "preparation" and "in lines 2 and 3 of clause (c) of Section 46.

(6). Substitute the following for Sub-Section (2) of Section 51:-

> *"A person removed under clauses (a), (b) or (e) of this Section shall be disqualified for election unless and until the Resident otherwise directs and a person removed under clauses (c) or (d) shall be disqualified for election for a period of five years."*

(7). Omit Section 65.

(8). Omit the proviso to Section 68.

(9). Omit the proviso to Section 69 (1) and Sub-Sections (2) and (4) of Section 69. Renumber Sub-Section (3) of Section 69 as Sub-Section (2).

(Sd.) T. B. Russell,

President, M. C.
Chairman of the Sub-Committee.

Copy.
Sn. a. David

MVL.

Proceedings of the Sub-Committee appointed to report on the draft of the New Bangalore Municipal Law, dated Wednesday, the 22nd August 1928.

Present:- The President (Chairman), Messrs. Madhavaroya Moodr, Paezold, Rajagopal Moodr, Abdul Latheef and Mahmood Sharif.

Mr. C. N. Surya Prakas, the Executive Engineer and the Secretary were also present.

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1. *The Chairman read the decisions of the Committee meeting held on the 16th August 1928 and they were approved with the following alterations:-*

   (a) *Section 42 to be retained as in draft.*

   (b) *Only the words "preparation and" to be omitted in clause (c) of Section ~~46~~ 45*

2. *With reference to Sections 32, 33 and 38 which were discussed at the last meeting of the Committee, it was decided to ask Mr. Surya Prakas to combine Sections 32 and 33 and put up a re-draft on the lines of Section 44 of the Madras City Municipal Act embodying the extra powers referred to in Section 38 in regard to resolutions.*

3. *Section 71, approved.*

4. *Section 72 (1) approved with the substitution of the figure '500' for the figure '2,000'.*

5. *Section 72 (2) approved with the substitution of the figures '500' and '1,000' for the figures '2,000' and '5,000'.*

6. *Section 73. - Sub-Section (2) to be omitted. The figure '1,000' to be substituted for the figure '5,000' in the marginal heading under Sub-Section (1), and in line 5 of that Sub-Section.*

7. *Section ~~74~~ 73 - The figures '500' and '1,000' to be substituted for the figures '2,000' and '5,000' in clause (c) of Sub-Section (2). The figure '1,000' to be substituted for the figure '5,000' in clause (d). Clause (e) of Sub-Section (2) to be omitted.*

8. *Section ~~75~~ 74. - The word 'Secretary' to be read for the word "President" in Line 2 of Sub-Section (2).*

9. Sections 76 to 78. - Approved.

10. Section 79. - The Committee decided that the appointments should be made by the Commission subject to the approval of the Resident. The proviso to Sub-Section (1) to be omitted.

11. Section 80 - Approved.

12. Section 81 - Omit the words "by . . . . recommended" in Sub-Section (1) and substitute the word "Commission" for the word "Resident" in Sub-Section (2).

13. Sections 82 to 88. - Approved.

14. Section 89. The two provisos under Section 89 (1) to be omitted.

15. Section 90 - Approved.

With reference to the defining of the functions of Standing Committees, it was decided to ask Mr. Surya Prakas to look into Section 20 of the Madras City Municipal Act with a view to embodying similar provisions in Section 19 of the draft of the New Bangalore Municipal Law.

The meeting was closed and adjourned to Monday the 3rd September 1928 at 4-30 P.M.

(Sd). T. B. Russell

President, M. C.,
Chairman of the Sub-Committee.

' Copy. '

MVL.

Draft of the alterations and amendments to be made in the draft of the New Bangalore Municipal Law with reference to the recommendations, dated the 22nd August 1928, of the Committee appointed to report on it.

---

(1). Substitute the figure '500' for the figure '2,000' in line 4 of Section 72 (1) and the figures '500' and '1,000' for the figures '2,000' and '5,000' in lines 2 and 3 of Section 72 (2).

(2). Substitute the figure '1,000' for the figure '5,000' in the marginal heading under Section 73 (1) and in line 5 of that Section.

(3). Omit Sub-Section (2) of Section 73.

(4). Substitute the figures '500' and '1,000' for the figures '2,000' and '5,000' in lines 2 and 3 of clause (c) of Sub-Section (2) of Section 74.

(5). Substitute the figure "1,000" for the figure "5,000" in line 2 of clause (d) of Sub-Section (2) of Section 74.

(6). Omit clause (e) of Sub-Section (2) of Section 74.

(7). Substitute the word "Secretary" for the word "President" in line 2 of Sub-Section (2) of Section 75.

(8). Substitute the following for Section 79 (1):-

"The Commission shall appoint a Health Officer, an Engineer, and a Secretary and Revenue Officer, who shall be heads of departments working under the President."

"Provided that every such appointment shall be subject to confirmation by the Resident."

(9). Omit the present proviso to Section 79 (1).

(10). (a) Omit the words "by . . . . recommended" in lines 3 to 6 of Sub-Section (1) of Section 81.

(b) Substitute the word "Commission" for the word "Resident" in line 3 of Sub-Section (2) of Section 81.

(11). Omit the two provisos under Section 89 (1).

(Sd). T. B. Russell,
President, M. C.,
Chairman of the Sub-Committee.

' Copy. '

MVL.

Mva. David

Proceedings of the Sub-Committee appointed to report on the draft of the New Bangalore Municipal Law, dated the 3rd September 1928.

Present - The President (Chairman), Messrs. Madhavaraya Moodr (Rao Sahib), Paezold, Abdul Latheef, Rajagopal Moodr and Mahmood Shariff.

Mr. C. M. Surya Prakas and the Secretary were also present

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1. The Chairman read the decisions of the Committee meeting held on the 22nd August 1928, and they were approved with the alteration that the two provisos under Section 89 (1) of the draft be omitted instead of only the first proviso as originally resolved.

2. Part III of the draft - Taxation and Finance - Chapter V. Taxation - Enumeration of Taxes - Sections 91 to 138. The Committee were generally in favour of substituting for this, Chapter III of the present Bangalore Municipal Law relating to Taxation - Sections 41 to 67 B.

The meeting was closed and adjourned to the 10th September at 4-30 P.M.

(Sd). T. B. Russell,

President, M. C.,
Chairman of the Sub-Committee.

' Copy. '

MVL.

Draft of the alterations and amendments to be made in the draft of the New Bangalore Municipal Law with reference to the recommendations, dated the 3rd September 1928, of the Committee appointed to report on it.

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(1). Section 89 (1). - Omit the two provisos under this Section

(2). For "Part III - Taxation and Finance - Chapter V. Taxation - Enumeration of Taxes - Sections 91 to 138" in the draft substitute "Chapter III of the present law" relating to Taxation. Sections 41 to 67 B."

(Sd). T. B. Russell,

President, M. C.,
Chairman of the Sub-Committee.

' Copy. '

MVL.

	Q54	N 91
	RAMACHANDRAN .C.N. Ed	
		Perspectives on Dakshina Kannada
	and	Kodagu.
		Mangalore , Mangalore University,
	1991	

Proceedings of the Sub-Committee appointed to report on the draft of the New Bangalore Municipal Law dated Monday the 10th September 1928.

Present - The President (Chairman), Messrs. Madhavaroya Moodr (Rao Sahib), Paezold, Abdul Latheef, Rajagopal Moodr and Mahmood Shariff.

Mr. C. N. Surya Prakas and the Secretary were also present

1. *The Chairman read the decisions of the Committee meeting held on the 3rd September 1928 and they were approved.*

2. *Sections 139 to 144 in the draft regarding Municipal Fund:- Approved with the omission of Sub-Sections (2) and (3) of Section 139.*

3. *Sections 145 to 156 in the draft regarding Loans:- Approved.*

4. *Sections 157 to 165 regarding Budget:- Approved with the substitution of the word "Resident" for the word "President" in line 3 of Section 157, the latter word being a misprint, and the addition of a proviso after Sub-Section (2) of Section 161 similar to the proviso to Section 32 in the draft.*

5. *Sections 166 to 169 regarding Public Water Supply:- Approved.*

6. *Sections 170 and 171 regarding Private Water Supply:- Approved with the following alterations:-*

   (a) *Reduction of the annual value of Rs.100/- mentioned in proviso to Section 171 (1) to Rs:72.*

   (b) *Omission of Sub-Section 2 of Section 171.*

   (c) *Omission of the words "and the cost or hire of meters" in line 2 of Sub-Section 3 of Section 171.*

7. *Sections 32, 33 and 38:- The Committee approved of the dra put up by Mr. Surya Prakas with reference to its recommendation of the 22nd August 1928 in regard to these sections. The provi and the last clause under the present section 32 in the draft to retained and sections 33 and 38 to be omitted.*

The meeting adjourned to Wednesday the 12th instant at 4-30 P.M..

(Sd). T. B. Russell,
President, M. C.,
Chairman of the Sub-Committee.

MVL.

' Copy. '

M.A. David

Draft of the alterations and amendments to be made in the draft of the New Bangalore Municipal Law with reference to the recommendations, dated the 10th September 1928, of the Committee appointed to report on it.

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(1). Section 139 - Omit Sub-Sections 2 and 3 of this Section.

(2). Section 157 - Substitute the word "Resident" for the word "President" in line 3 of this Section.

(3). Section 161 - Insert the following proviso after Sub-Section (2) of this Section:-

"Provided that before taking any action under this sub-section the Resident shall communicate to the Commission the grounds on which he proposes to do so, fix a reasonable period for the Commission to show cause against the proposal and consider its explanation and objections, if any.

(4). Section 171 - (a) Substitute the words "Seventy two" for the words "one hundred" in the proviso to Sub-Section (1).

(b) Omit Sub-Section (2).

(c) Omit the words "and the cost or hire of meters" in line 2 of Sub-Section (3).

(d) Renumber Sub-Sections (3) and (4) as (2) and (3).

(5). Sections 32, 33 and 38. Substitute the following for the present Section 32 in the draft and omit Sections 33 and 38:-

"33. (1) The President shall submit to the Resident copies all resolutions and Bye-laws.

Submission of copies of resolutions and Bye-laws to Local Government; Local Governments' power to cancel resolutions and Bye-laws.

(2). The Resident may at any time by Notification :-

(a) Cancel or modify any resolution in whole or in part or suspend the execution of any resolution or order of the Commission, or prohibit the doing of any act which is about to be done, or is being done in pursuance of or under cover of this Law, if in his opinion the resolution, order or act is in excess of the powers conferred by Law, or the execution of the resolution or order, or the doing of the act is contrary to

the efficient Municipal Administration of the Station or is likely to lead to a breach of the peace or to cause injury or annoyance to the public or to any class or body of persons.

(b) Repeal wholly or in part or modify any Bye-law."

Provided that before taking any action under this Sub-Section the Resident shall communicate to the Commission the grounds on which he proposes to do so, fix a reasonable period for the Commission to show cause against the proposal and consider its explanation and objections, if any

The repeal or modification of any Bye-law shall take effect from the date of publication of the notification if no date is therein specified, and shall not effect anything done, omitted or suffered before such date.

(Sd). T. B. Russell,

President, M. C.,
Chairman of the Sub-Committee.

' Copy. '

M.a.David

MVL.

Proceedings of the Sub-Committee appointed to report on the draft of the New Bangalore Municipal Law, dated Wednesday, the 12th September 1928.

Present:- The President (Chairman), Messrs. Madhavaroya Moodr (R.S.), Paezold and Rajagopal Moodr.

Mr. C. N. Surya Prakas and the Secretary were also present.

---

1. The Chairman read the decisions of the Committee meeting held on the 10th September 1928 and they were approved.

2. Section 172 - Private Water Supply for Non-Domestic purposes. Approved with the substitution of the word "Commission" for the words "Standing Committee" in Sub-Section (2) of Section 172.

3. Sections 173 and 174 - Cutting off of Water Supply:- Sub-Section (1) of Section 173 and clauses (a) to (g) under it approved. Sub-Section (2) to be omitted. The Committee considered that the right of reconnection conferred by Sub-Section (3) should also apply to cases falling under clauses (c) to (g) of Sub-Section (1). Mr. Surya Prakas promised to put up a re-draft of Sub-Section (3) in consultation with the Secretary. Sub-Section (4) and Section 174 approved.

4. Section 175 Lighting:- Approved.

5. Sections 176 and 177 - Public Drainage:- Approved.

6. Sections 178 to 184 - Private Drainage:- Approved.

7. Section 185 - Public Latrines:- Approved.

8. Section 186 to 189 - Private Latrines:- Approved.

9. Sections 190 to 204 - General Powers:- Approved with the following alterations:-

(a) Substitution of 'Commission' for 'Standing Committee' in the second proviso to Section 190.

(b) Substitution of "Station" for "City" in Section 195 (1).

10. Section 301 - The Milk Trade. - Approved with the omission of clause (a) of Sub-Section (1).

11. <u>Section 186 of the present B. M. L.</u> To be included in the provisions for 'Taxation' approved by the Sub-Committee.

In this connection the Committee generally discussed the question as to the best provision to be made for collecting taxes from the occupiers in the event of non-payment by the owners as the present provisions of the law were considered rather hard on the occupiers. The Chairman promised to look into the matter before the next meeting when they could discuss it further.

The meeting adjourned to Tuesday, the 25th instant at 4-30 P.M.

(Sd). T. B. Russell,

President, M. C.,
Chairman of the Sub-Committee.

Copy.

MVL.

Draft of the alterations and amendments to be made in the draft of the New Bangalore Municipal Law with reference to the recommendations dated the 12th September 1928, of the Committee appointed to report on it.

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(1). Section 172 - Read "Commission" for "Standing Committee" in line 4 of Sub-Section (2).

(2). Section 173 - Omit Sub-Section (2).

(3). Section 190. - Read "Commission" for "Standing Committee" in line 2 of the 2nd proviso to this Section.

(4). Section 195. - Substitute the word "Station" for the word "City" in line 8 of Sub-Section (1) of Section 195.

(5). Section 301. - Omit clause (a) of Sub-Section (1).

(Sd). T. B. Russell,

President, M. C.,
Chairman of the Sub-Committee.

' Copy. '

MVL.

Proceedings of the Sub-Committee appointed to report on the draft of the New Bangalore Municipal Law, dated Tuesday the 25th September 1928

Present:- The President (Chairman), Messrs. Madhavaroya Moodr (R.S.), Paezold, Abdul Latheef, Mahmood Sharif and Rajagopal Moodr.

Mr. C. N. Surya Prakas and the Secretary were also present.

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1. *The Chairman read the decisions of the Committee meeting held on the 12th September 1928 and they were approved.*

2. *Sections 205 to 216 regarding Public streets - Approved.*

3. *Sections 217 to 221 regarding Private streets - Approved.*

4. *Sections 222 to 231 regarding Encroachments on streets - Approved.*

5. *Sections 232 to 235 regarding Building regulations - General Powers - Approved with the following alterations in Sections 232 and 233:-*

(a) Substitution of "Commission" for 'Resident' in Sub-Section (1) of Section 232.

(b) Substitution of "Commission" for "Standing Committee", in para (ii) of clause (a) and in clause (c) of Sub-Section (1) of Section 233 and in Sub-Section (3) of that Section.

6. *Sections 236 to 241 - regarding Buildings other than huts. Sections 236, 238, 239, 240 and 241 approved with the following alterations in Section 241:-*

(a) Substitution of "he" for "Standing Committee" in Sub-Section (1).

(b) Substitution of "President" for "Standing Committee" and "does" for "do" in Sub-Section (2).

Section 237. - Mr. Rajagopal Moodr suggested that there should be a provision for appeal to the Standing Committee against an order of refusal by the President. The matter to be discussed

again after the President has looked into the files relating to the various proposals about referring building applications to the Health Committee etc.

7. *Section 186 of the present Bangalore Municipal Law recommended by the Sub-Committee to be included in the provisions for Taxation approved by them.* *The Committee approved of the substitution of the proviso drafted by the President for the present proviso under Sub-Section (4) of this Section.*

The meeting adjourned to Tuesday, the 2nd October 1928 at 4-30 P.M..

(Sd). T. B. Russell,

President, M. C.,
Chairman of the Sub-Committee.

' Copy. '

Sd/ a. David

MVL.

Draft of the alterations and amendments to be made in the draft of the New Bangalore Municipal Law with reference to the recommendations dated the 25th September 1928 of the Committee appointed to report on it.

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1. Section 232. Read "Commission" for "Resident" in line 1 of Sub-Section (1).

2. Section 233. Read "Commission" for "Standing Committee" in line 5 of para (ii) of clause (a) and in line 7 of clause (c) of Sub-Section (1) and in line 1 of Sub-Section (3.

(3). Section 241. - Substitute the word "he" for the words "Standing Committee" in lines 8 and 9 of Sub-Section (1) and the words "President does" for the words "Standing Committee do" in line 1 of Sub-Section (2).

4. Section 186 of the present Bangalore Municipal Law recommend to be included in the provisions for Taxation approved by the Committee. Substitute the following for the present proviso under Sub-Section (4) of this Section:-

"Provided that no amount exceeding that due by the occupier to the land lord or one month's rent whichever is greater shall be so recovered at one time and that action under this Sub-Section shall not be repeated at intervals of less than one month in respect of any arrears."

(Sd). T. B. Russell,

President, M. C.
Chairman of the Sub-Committee.

' Copy. '
for a. David

UVL.

Proceedings of the Sub-Committee appointed to report on the draft of the New Bangalore Municipal Law, dated Tuesday, the 2nd October 1928.

Present - The President (Chairman), Messrs. Madhavaroya Moodr (R.S.), Paezold, Abdul Latheef, Rajagopal Moodr and Mahmood Shariff.

Mr. C. N. Surya Prakas and the Secretary were also present.

---

1. The Chairman read the decisions of the Committee meeting held on the 25th September 1928 and they were approved.

2. Section 9:- The Commission. Provision to be made in this Section for the exclusion of the salaried officers of the Commission from membership on the Commission.

3. Section 242:- Grounds on which approval of site for, or license to construct building may be used:- Approved with the omission of the words "or the Standing Committee" in the last par

4. Section 243:- Powers of the Resident in certain areas:- The Committee considered that this section should be revised in such a way as to reserve to the Resident, in the notified areas, only the power of revision in cases where the President has given sanction for the erection of buildings. They also considered that if the Resident refused sanction for other than Municipal reasons, the Commission should not be called upon to pay compensation.

Mr. Surya Prakas promised to look into the matter and to put up a revised draft.

5. Sections 244 to 253:- Approved.

6. Section 254:- Approved with the substitution of "he" for "the Standing Committee" in Sub-Section (1) and "President" for "Standing Committee" in Sub-Section (2).

7. Section 255:- Approved with the omission of "or the Standing Committee" in the last clause.

8. Sections 256 to 259. Approved.

The meeting adjourned to Thursday, the 11th October 1928 at 4-30 P.M.

(Sd). T. B. Russell,

President, M. C.,
Chairman of the Sub-Committee.

' Copy. '

M.A. David

MVL.

Draft of the alterations and amendments to be made in the draft of the New Bangalore Municipal Law with reference to the recommendations of the 2nd October 1928 of the Committee appointed to report on it.

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1. *Section 9. - Add the following at the end of the proviso to Sub-Section (1) of this Section:-*

"and that no salaried officer of the Commission shall be eligible for appointment as a Commissioner."

2. *Section 242. - Omit the words "or the Standing Committee" in lines 1 and 2 of the last clause of this section.*

3. *Section 254. - Substitute the word "he" for the words "the Standing Committee" in lines 6 and 7 of Sub-Section (1) and the word "President" for the words "Standing Committee" in line 1 of Sub-Section (2).*

4. *Section 255. - Omit the words "or the Standing Committee" in lines 1 and 2 of the last clause of this section*

(Sd): T. B. Russell,

President, M. C.
Chairman of the Sub-Committee.

' Copy. '

M.A. David

M.V.L.

Proceedings of the Sub-Committee appointed to report on the draft of the New Bangalore Municipal Law dated Tuesday, the 16th October 1928.

Present - The President (Chairman), Messrs. Madhavaroya Moodr (R.S.), Paezold, Abdul Latheef and Rajagopal Moodr.

Mr. C. N. Surya Prakas and the Secretary were also present.

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1. *The Chairman read the decisions of the Committee meeting held on the 2nd October 1928 and they were approved.*

2. *Section* (221) (243). - *Powers of the Resident in certain areas.* (+) *On reconsideration, the Committee thought that this Section should be left out altogether and decided to draft a representation to the Resident in regard to it.*

(Sd). T. B. Russell,

President, M. C.,
Chairman of the Sub-Committee.

' Copy. '

M. A. David

MVL.

Proceedings of the Sub-Committee appointed to report on the draft of the New Bangalore Municipal Law, dated Tuesday, the 6th November 1928.

Present - The President (Chairman), Messrs. Madhavaroya Moodr (R.S.), Paezold, Abdul Latheef and Rajagopal Moodr.

Mr. C. N. Surya Prakas and the Secretary were also present.

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1. *The Chairman read the decision of the Committee meeting held on the 16th October 1928 and it was approved.*

2. *Sections 260 to 264.- Approved.*

3. *Section 265 regarding Control over waters etc. Approved with the addition of the words "holding more than 200 gallons" after the word "cistern" in line one of Sub-Section (1) and the omission of the word "fountain" in line two.*

In this connection some members suggested that there should be provision for appeal to the Standing Committee or the Commission against an order of refusal by the President but the point was deferred for consideration when discussing Section 368 relating to appeals.

4. *Section 266 to 275. - Approved.*

5. *Section 276. Approved with the deletion of Sub-Section (3) and the renumbering of Sub-Section (4) as Sub-Section (3).*

6. *Section 277. Approved.*

7. *Section 278. Approved with the omission of the words "apply Magistrate" in lines 8 and 9 of Sub-Section (1) and the word "may" in line eleven.*

8. *Sections 279 to 281. Approved.*

The meeting adjourned to Tuesday, the 20th November 1928 at 4-30 P.M.

(Sd). G. H. Cooke,
President, M. C.
Chairman of the Sub-Committee.

' Copy. '

M.V.L.

M. A. Dawood

Draft of the alterations to be made in the draft of the New Bangalore Municipal Law with reference to the recommendations dated the 6th November 1928 of the Sub-Committee appointed to report on it.

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1. Section 265 (243). *Add the words "holding more than 200 gallons" after the word "cistern" in line one of Sub-Section (1) and omit the word "fountain" in line two.*

2. Section 276. *Omit Sub-Section (3) of this Section and renumber the present Sub-Section (4) as Sub-Section (3).*

3. Section 278. *Omit the words "apply to a Magistrate to abate such overcrowding and the Magistrate" in lines 8 and 9 and the word "may" in line eleven of Sub-Section (1) of this section.*

(Sd). G. H. Cooke,

President, M. C.,
Chairman of the Sub-Committee.

' Copy. '

for A. David

MVL.

Proceedings of the Sub-Committee appointed to report on the draft of the New Bangalore Municipal Law, dated Tuesday, the 20th November 1928.

Present - The President (Chairman), Messrs. Madhavaroya Moodr (R.S.), Paezold, Abdul Latheef, Mahmood Shariff and Rajagopal Moodr.

4 *Mr. Surya Prakas and the Secretary were also present.*

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1. The Chairman read the decisions of the Committee meeting held on the 6th November 1928 and they were approved.

2. Sections 282 to 291. Approved.

3. Section 292. Approved with the substitution of "6 A.M." for "5-30 A.M." in line 3 of clause (a) of this section.

4. Sections 293 to 300.- Approved.

vide page 22 ante

5. Section 301. Approved as already amended.

6. Section 302. Approved.

7. Section 303. Approved with the substitution of the words "sanction" and "Commission" for the words "approval" and "Standing Committee" in lines 2 and 3 of Sub-Section (2) of this Section.

8. Sections 304 to 312. - Approved.

9. Section 313. Approved with the insertion of the words "intended for food" after the word "articles" in line 7.

10. Sections 314 to 348. - Approved.

11. Section 243. - Discussion postponed to next meeting.

The meeting adjourned to Tuesday the 27th instant at 4-30 P.M.

(Sd). G. H. Cooke,
President, M. C.,
Chairman of the Sub-Committee.

' Copy. '

M.a. David

MVL.

Draft of the alterations to be made in the draft of the New Bangalore Municipal Law with reference to the recommendations dated the 20th November 1928 of the Sub-Committee appointed to report on it.

---

1. *Section 292. - Substitute "6 A.M." for "5-30 A.M." in line 3 of clause (a).*

2. *Section 303. - Substitute the words "sanction" and "Commission" for the words "approval" and "Standing Committee" in lines 2 and 3 of Sub-Section (2).*

3. *Section 313. - Insert the words "intended for food" between the words "articles" and exposed" in line 7*

(Sd). G. H. Cooke,

President, M. C.,

Chairman of the Sub-Committee.

' Copy. '

M.A. David

MVL.

Proceedings of the Sub-Committee appointed to report on the draft of the New Bangalore Municipal Law dated Tuesday, the 27th November 1928.

Present - The President (Chairman), Messrs. Paezold, Abdul Latheef, Mahmood Shariff, Rajagopal Moodr and Madhavaroya Moodr (Rao Sahib).

Mr. C. N. Surya Prakas and the Secretary were also present.

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1. The Chairman read the Proceedings of the Committee meeting held on the 20th November 1928 and they were approved.

2. Section 243. The Sub-Committee consider that this section will cause hardship to the persons whom it affects, but as legislation to this effect has only recently been introduced without reference to the Commission, they recommend that if the Government of India consider that such legislation is essential then the section should be drafted as amended. The Sub-Committee also recommends that if this is done, the Officer to whom the powers of the Resident are delegated under Sub-Section (1) should be the President. Municipal Commission.

Amendments suggested to Section 243.

Sub-Section (1). Substitute the words "final confirmation" for the word "permission" in line 9 and add "or of such officer as he may appoint in that behalf" after the word "Resident", in line 10.

2nd proviso to Sub-Section (1). Omit the words "the Commission shall make" and add the words "shall be made by the Government" after the word "compensation" in line 2.

Sub-Section (2). Omit, the proviso being retained.

Sub-Sections (3) to (7). Omit.

Sub-Section 9. Omit.

3. Sections 349 and 350. - Approved.

4. Section 351. Approved, reading "Standing Committees" for "Standing Committee" in line 2 of Sub-Section (2).

5. Sections 352 and 353. Approved.

6. Sections 354 and 355. These sections to be renumbered as sections 355 and 354 respectively. The Sub-Committee considered it necessary that provision should be made in the present section 355 (Section 354 after renumbering) for submission of objections by the public and their consideration by the Commission. Mr. Surya Prakas promised to put up draft of a suitable amendment to be made to be discussed at the next meeting of the Sub-Committee.

7. Section 356. Approved, the words "and in at least one news paper in circulation in the Station" being added at the end of Sub-Section (1).

8. Sections 357 and 358. Approved.

The meeting adjourned to Monday the 3rd December 1928 at 4-30 P.M.

(Sd). G. H. Cooke,
President, M.C.,
Chairman of the Sub-Committee.

Copy.

M.A. David

MVL.

Proceedings of the Sub-Committee appointed to report on the draft of the New Bangalore Municipal Law dated Monday, the 3rd December 1928.

Present :- The President (Chairman), Messrs. Paezold, Madhavaroya Moodr (R.S.), Abdul Latheef, Mahmood Shariff and Rajagopal Moodr.

Mr. C. N. Surya Prakas and the Secretary were also present.

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1. *The Chairman read the proceedings of the Committee meeting held on the 27th November 1928, and they were approved.*

2. *Section 355 (Section 354 after renumbering). The Sub-Committee approved of the insertion of the following as clause (d) with reference to their recommendation No.6 dated the 27th November 1928, the present clause (d) being renamed as clause (e)*

> *"that the Commission shall, before such bye-laws are made, consider any objection or suggestion which may be received from any person with respect to the draft before the time specified in clause (b) above."*

3. *Sections 359 to 363. Approved.*

4. *Section 364. Approved with the alterations noted below:-*

> *(a) Omit the figure "(1)" at the beginning of the section.*
>
> *(b) Substitute the following for the last para of the section beginning with the words "the owner" and ending with the words "the first day".*
>
> *"the owner of the building or well or the said person, as the case may be, shall be liable on conviction to a fine which may extend to one hundred rupees and to a further fine which may extend to ten rupees for each day during which the offense is proved to have continued after the first day."*

5. *Sections 365 to 367. Approved.*

6. *Section 368. Approved with the following additions and alterations:-*

> *(a) Insert the words "officer holding the appointment of "*

between the words "the" and "District" in line one of Sub-Sections (1) and (2).

(b) Substitute the following for the present marginal heading under Sub-Section (1):-

"Appeals from orders of the President."

(c) Insert the following as Sub-Section (3):-

"Nothing herein contained shall affect the provisions of Section 221."

7. Sections 369 to 381. - Approved.

8. Mr. Surya Prakas promised to look into the question of the definitions of the words "Market" and "regulation".

The meeting adjourned to Tuesday, the 11th December 1928 at 4-30 P.M.

(Sd). G. H. Cooke,

President, M. C.

Chairman of the Sub-Committee.

Copy.

Mr. A. David

AVL.

Proceedings of the Sub-Committee appointed to report on the draft of the New Bangalore Municipal Law, dated Tuesday, the 15th January 1929.

Present - The President (Chairman), Messrs. Paezold, Madhavaroya Moodr (R.S.), Rajagopal Moodr and Mahmood Shariff.

Mr. Surya Prakas and the Secretary were also present.

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1. *The Chairman read the proceedings of the Committee meeting held on the 3rd December 1928, and they were approved.*

2. *Sections 382 to 388. - Approved.*

3. *Sections 389 to 392. - Consideration of these Sections postponed to the next meeting of the Committee pending the question of recasting them along with Section 186 of the present Bangalore Municipal Law.*

Mr. Surya Prakas promised to look into the matter.

4. *Sections 393 to 397.-- Approved.*

5. *Section 398. - To be considered along with Sections 389 to 392.*

6. *Section 399. - Approved.*

7. *Section 400. - Approved with the following additions:-*

Add the words "and not exceeding one thousand rupees" at the end of clause (f).

Add the words "where the amount to be paid under the terms of such compromise does not exceed the sum of Rupees five hundred" at the end of clause (h).

8. *Sections 401 to 413. Approved.*

9. *The whole of Schedule 1 to be deleted.*

The meeting adjourned to Wednesday, the 23rd January 1929 at 4-30 P.M.

(Sd). G. H. Cooke,
President, H. C.,
Chairman of the Sub-Committee.

' Copy. '

M. A. David

HVL.

Proceedings of the Sub-Committee appointed to report on the draft of the New Bangalore Municipal Law, dated Wednesday, the 23rd January 1929.

Present. - The President (Chairman), Messrs. Paezold, Abdul Latheef, Madhavaroya Moodr (R.S.), Rajagopal Moodr and Mahmood Shariff.

Mr. Surya Prakas and the Secretary were also present.

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1. The Chairman read the proceedings of the Committee meeting held on the 15th January 1929, and they were approved.

2. Definitions of the words "Markets" and Regulation". On reconsideration the Committee decided not to press this matter.

3. Section 389. - The Committee recommended that this section be deleted and that section 186 of the present Bangalore Municipal Law as amended and modified below, be substituted for it:-

(1) When any sum is due to the Commission from any person, under or by virtue or in pursuance of this Law or any other Law, on any account whatsoever including taxes, costs, damages, compensation, charges, expenses, contributions, rent or other charge for a building or structure leased by the Commission or otherwise in the occupation of such person under the Commission, the Commission may recover such sum in the following manner, namely:-

(a) by causing a bill for the sum stating the nature of the demand, to be served on the person liable to pay the same, in the manner provided in section 356.

(b) if such person does not within fifteen days from the service of such bill pay the sum due, or show sufficient cause for non-payment, by distraining and selling the moveable property of such person in the manner provided in the Code of Civil Procedure for the time being in force in the Station;

(c) by suing such person in the Civil Court.

(2) taxes levied on buildings and land shall, subject to the prior payment of any claim on behalf of Government, be a first charge upon the said buildings or lands and upon the moveable property, if any, found within or upon such building or land and belonging to the person liable for such tax;

(3) In the event of the non-payment of any tax imposed under Section 90, Section 91 or Section 92, within fifteen days from the date of the service of a bill in terms of clause (a) of Sub-Section (1), the person failing to pay such tax, shall, on conviction before a Magistrate, be liable to a fine not exceeding twice the amount of the tax found to be due

Provided that recovery by prosecution shall not be applicable to sums due on account of water consumed in excess of the sanctioned free allowance.

(4) If the sum due from the owner of any house, building or land in respect of any rate or tax remains unpaid, after a bill has been duly served, the President may demand the amount from the occupier for the time being of such house, building or land, and on non-payment thereof, may recover the same by distress and sale of any moveable property found on the premises and in such case the occupier may deduct from the next and following payments of his rent the amount which may be so paid or recovered from him;

Provided that no amount exceeding that due by the occupier to the landlord or one month's rent whichever is greater shall be so recovered at one time and that action under this Sub-Section shall not be repeated at intervals of less than one month in respect of any arrears.

(5) When any sum is due to the Commission on account of rent or other charges for such building or structure as is referred to in Sub-Section (1), the Commission may summarily evict from such building or structure the person from whom such sum is due and any other person in occupation of such building or structure along with or as the representative of the first-named person.

(6) In case of dispute as to the amount or apportionment of any damages, compensation, charges or expenses or contributions, falling within the provisions of Section 368, no further steps shall be taken by the Commission if notice from the District Judge of the Station of an application under Section 368 by such person is received by the Commission within fifteen days from the date of the service of the Bill referred to in Sub-Section (1) clause (a) above, until the termination of the Proceedings before the District Judge.

4. *Sections 390 to 392. Approved to be retained.*

5. *Section 398. To be deleted.*

40

6. Schedule II - Financial Rules Part I and II. - Approved.

7. Schedule II - Part III - Audit, Surcharge and Disallowance. Sections 16 to 20. - Approved. Consideration of Sections 21 to 23 postponed to the next meeting.

(Sd). G. H. Cooke,

President, M. C.
Chairman of the Sub-Committee.

' Copy. '

Mr. a. David

.MVL.

Proceedings of the Sub-Committee appointed to report on the draft of the New Bangalore Municipal Law dated Wednesday, the 30th January 1929.

Present:- The President (Chairman), Messrs. Paezold, Abdul Latheef, Madhavaroya Moodr (R.S.), Rajagopal Moodr, and Mahmood Shariff.

Mr. Surya Prakas and the Secretary were also present.

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1. *The Chairman read the proceedings of the Committee meeting held on the 23rd January 1929 and they were approved.*

2. *Rule 21 (1) of part III of Schedule II:- Approved with the following amendments:-*

Omit the word "the" in line 4 and substitute the word "such" for it.

Insert the words "as he may consider responsible for" between the words "person" and "making" in line 4.

3. *Rules 21 (2) to 24 of part III of Schedule II and Part IV of Schedule II.* - *Approved.*

4. *Schedule III:- Approved with the omission of the item "Storing and packing onions and garlic".*

5. *Schedules IV and V.* - *Approved.*

6. *Defining the functions of Standing Committees.- The Committee reconsidered the matter with reference to their recommendation dated the 22nd August 1928 in this behalf, and decided that the functions of these Committees should be defined in the Bye-laws. Incidentally the Committee discussed the question of making a specific provision in the Act for enabling the Commission to write off irrecoverable sums of money due to it and approved of the following additions:-*

Insert the following as Section 68 :-

"The Commission may write off such sums due to it as appear to be irrecoverable."

4?

Insert the following as rule 11 of part I of Schedule II:

"The President may write off such sums due to the Commission as appear to be irrecoverable provided that, if the sum to be written off exceeds fifty rupees, the sanction of the Commission shall be obtained."

7. *Section 173.* - With reference to their recommendation dated the 12th September 1928, regarding applying the right of reconnection conferred by sub-section (3) of Section 173 to the cases falling under clauses (c) to (g) of Sub-Section (1), the Committee approved of the following addition as clause (b) of Sub-Section (3), the present Sub-Section (3) being renumbered as '3 (a)' :-

"In cases falling under clauses (c) to (g) if the President is satisfied that the damage has been made good and that there is no likelihood of a ~~repetition~~ repetition *of the conduct which necessitated the cutting off of the water -supply and that sufficient reparation has been made by the offending person, he may cause water to be supplied as before on payment of the expense of the cutting off and of reconnecting the premises with the water works."*

(Sd). G. H. Cooke,

President, M. C.,

Chairman of the Sub-Committee.

' Copy. '

Mr. a: David

HVL.

Proceedings of the Sub-Committee appointed to report on the draft of the New Bangalore Municipal Law dated Tuesday, the 19th February 1929.

Present - The President (Chairman), Messrs. Paezold, Madhavaroya Moodr (R.S.), and Rajagopal Moodr.

Mr. Surya Prakas and the Secretary were also present.

---

1. The Chairman read the proceedings of the Committee meeting held on the 30th January 1929 and they were approved.

2. <u>Sections 15, 16 and 17 regarding Delegation of President's ordinary powers.</u> - The Committee discussed these Sections with reference to its proceedings dated the 13th August 1928 in regard to the matter and approved of them, the reference to Section 68 given under Section 15 to be omitted and the other Sections to be renumbered according to the numbers which they would get after the several recommendations of the Committee have been embodied in the draft.

(Sd). G. H. Cooke,

President, M. C.,

Chairman of the Sub-Committee.

' Copy. '

W. A. David

MVL.

H.O.
3 2,000—27—7—1929

3

No. 985 | 30 CIVIL & MILITARY STATION, BANGALORE,
MUNICIPAL OFFICE,

Dated, 25th March 1930.

From

G. H. COOKE ESQ., M. C., I. C. S.,
President, Municipal Commission,
Civil and Military Station, Bangalore.

3423 ✓
27/3/30

To

The Secretary to the Hon'ble the Resident
in Mysore,
Bangalore.

SIR,

Under the provisions of Section 31 (2) of the Bangalore Municipal Law, 1897, I have the honour to forward, herewith, copy of Propositions and the Resolutions passed thereon at a Special meeting of the Municipal Commission for the Civil and Military Station, of Bangalore, held on the 25th March 1930.

I have the honour to be,
Sir,
Your most obedient servant,

for President, M. C.

MVL.

25/3/30

CIVIL AND MILITARY STATION MUNICIPALITY, BANGALORE.

No.7.

Propositions and the Resolutions passed thereon at a Special meeting of the Municipal Commission for the Civil and Military Station of Bangalore, held at the Mayo Hall at 8-15 A.M. on Tuesday, the 25th March 1930.

President.

G. H. Cooke, Esq., M.C., I.C.S. — Present.

Vice-President.

M.R.Ry. Rao Sahib C. N. Surya Prakas Garu. (Elected Commissioner No.V Division). — Absent.

Ex-Officio Commissioners.

Present.

The Residency Surgeon.
W. H. Murphy, Esq., M.B.E., Executive Engineer.

Absent.

The Commissioner of Police.
" Officer Commanding, British Military Hospital.
" Garrison Engineer, Bangalore.
" Station Staff Officer, Bangalore.
" Inspector of Schools.

Elected Commissioners.

Present.

Major A. S. Andrews.
R. E. Paezold, Esq.
G. G. Jeremiah, Esq.
J. W. Greatorex, Esq.
K. S. Mackenzie, Esq., Bangalore Trades Association.
M: Abdul Latheef Sahib.
M. Abdul Azeez Siddiqi Sahib.
M.R.Ry. Rao Sahib B. A. Madhavaroya Moodr., Avl.
" B. G. Rajagopal Moodr., Avl.
" R. Venkatasawmy Naidu Garu.
Mr. J. Rathan Singh.

Absent.

Miss M. Webster.
Mahmood Shariff Sahib.
V. K. Obeidullah Sahib.
M.R.Ry. M. Venkatasawmy Garu.
" Rao Bahadur B.V. Venkatasawmy Naidu Garu.
" Rao Sahib A. Thangavelu Moodr., Avl.
Mr. A. S. Krishnamurthy.

P.T.O.

Special Meeting. 3 - 1930

1. *Draft of the new Bangalore Municipal Law.*

Resolved that the draft of the new Bangalore Municipal Law as amended by the Sub-Committee appointed by the Commission in their resolution No.3 dated the 27th July 1928 be accepted with the following alteration and be recommended to the Hon'ble the Resident for submission to the Government of India :-

S.N.-276/a 124/17

For the word "five" in line 3 of Section 19 (1) of the draft as amended by the Sub-Committee read "six"

(Mr. Jeremiah who did not vote for the resolution reserved his right to submit a dissenting note to the Resident and the Government of India).

(Sd). G. H. Cooke,

President, M. C.

' Copy. '

MVL.

BANGALORE C&M STATION MUNICIPALITY

Office Hours:—
11 A.M. to 5 P.M.
Telephone No. 55.

D.O No 1299/30

Mayo Hall,
3rd May 1930

Confidential

3.5.30

My dear Lock,

1) I have forwarded officially the draft of the Bangalore Municipal Law. I refrained for obvious reasons from expressing any personal opinion in the covering letter. There are however some sections in the draft on which I wish to comment. To begin with, Section 9 debars salaried officers of the Commission from being Commissioners. At present, Mr. Murphy, the Executive Engineer, is the only person under this category. I agree on general grounds that the arrangement is not a satisfactory one, but I think the officers of the Commission should be given the privilege of speaking at meetings and a section on the lines of Section 33 of the Madras Act might well be inserted.

2) Section 10 (1) of the draft law as originally drafted provided for two Standing Committees only, but the Sub-Committee decided to have four Standing Committees instead of two. I am opposed to the change, as I foresee considerable difficulty in finding the necessary personnel and arranging times of meetings.

3) Section 19. If two Committees are to be retained, the wording of the draft should stand. If there are to be four, the

P.T.O.

omitted in draft law

change proposed by the Committee is all right. The provision for nomination by the Resident will enable the Garrison Engineer to be a member.

4) Section 56. My predecessor Mr. Russell was in favour of inserting a sub-clause (1) (g) - "that his continuance in office is in the opinion of the Resident to be recorded in writing incompatible with the efficient Municipal administration of the Station". Mr. Russell had experience of obstructive tactics from one or two individuals on the Commission. Other Presidents also might experience the same. The need for such a provision exists, though it is likely to be regarded as undul arbitrary.

slip B

5) Sections 71 to 73. These sections give increased power to the President to sanction estimates and make contracts from the existing figure of Rs.500 to Rs.2,000 and confers power on the Standing Committee to deal with these matters up to Rs.5,000. These figures are very much less than in Madras and I consider the proposals in the draft to be sound. The Sub-Committee however were extremely reluctant to give any such powers to the Standing Committee or increase the existing powers of the President. They regard the proposal in the draft as depriving them of part of the small powers they already possess.

Mr. Russell seems to have endeavoured to explain to them that an elected body of 30 members is very unsuited to deal with matters of this kind, as it only meets once a month, has to be tied down to strict rules of procedure and papers have to be circulated to 30 individuals beforehand. There is no doubt that the executive work would be greatly facilitated by the proposals in the draft and I do not think that the Commission would lose any power that is really worth having. At present nearly all such estimates and contracts are passed en bloc without discussion at the end of each meeting. I would, therefore, urge that Sections 72 to 74 be kept as in the draft or at any rate that the Standing Committee may be given power to sanction up to Rs.5,000.

6) Section 79. I am very strongly opposed to the Sub-Committee's proposal to allow the Commission to appoint the chief executive officials. I find from a note left behind by Mr. Russell that he was equally averse to it. The view that both of us hold would perhaps be justified by the special circumstances in Bangalore but it could be based on higher grounds. An elected body of 30 members is in every way unsuitable for choosing and being responsible for the discipline of executive officers. It is tied down by rules of procedure and unless its debates are carried on in public,

P.T.O.

suspicion is bound to be aroused. A discussion in public of the merits and demerits of candidates is not a seemly procedure. It may not be out of place to mention that in southern Ireland appointments of this nature have been taken away from local bodies. Appointments by the Commission would certainly lead to wire-pulling.

7) Section 80 (1). I do not consider it desirable invest the Commission with disciplinary power over these officers.

8) Section 82. The draft gives effect to the existing procedure, but for reasons similar to those given regarding appointments under Section 79, I think it would be more satisfactory to take away all powers of appointment from the Commission. At present it has the power to appoint 3 officers who draw a salary over Rs.150, other than the three chief officers. There is no legal justification fo allowing it to appoint these officers but not those above or below. I think the President might well be entrusted with the power to make all these minor appointments, but if considered necessary those over Rs.150/- could be made by the Resident.

Chapter V. - Taxation.

9) I do not agree with the Sub-Committee's recommendation

to

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to keep the existing law on the subject. It is antiquated and there is a good deal in the law which is unnecessary while important things are left out. I therefore recommend Chapter V - Taxation be retained as in the lawyer's draft. This would necessitate, of course, the retention of Schedule 1, Taxation Rules. In rule 17, Part III of this Schedule, a sub-clause (iii) has to be added, viz., "The defaulter shall also be liable to prosecution".

(o) II Section 41 (n), Section 118 and Part III of Schedule III of the draft deal with the subject of Audit. Under the present law, it is left to the Resident to frame rules for the audit of Municipal accounts, the power of the Auditors in respect of disallowance and charge - vide Section 175 (o) Bangalore Municipal Law. This section is wide enough to bring any one guilty of negligence or fraud to book. The final authority is vested in the Resident. In the new draft, Section 175 (o) of the existing law is embodied as Section 41 (n) without any verbal alteration and in addition Section 118 and a Schedule forming part of it are put in. The effect of the Schedule is a transfer of the power now exercised by the Resident to the Auditors. The Auditors are required by the statute to report to the Standing Committee and the Commission and not to the President. I do not see any necessity for altering the procedure now

P.T.O.

followed. Considering that the executive head of the Municipal administration is the Collector, I doubt whether it would be in the public interest to permit a public discussion of the audit report and perhaps a censure on the administration by an elected body. It might be left to the Resident to decide, as it is now, whether the audit report should be brought up to the Commission or not. I am of opinion that Schedule II (renumbered I) Part III is unnecessary and that it should be omitted.

11) Section 32. - Administration Report. - Sub-Section 2 should be deleted. The administration report is the record of the work of the Executive. The Commission has a right to see it but no useful purpose will be served by a discussion at the meeting. It will not be right for the Commission to alter in any way a report prepared by the President of the work done by the departments under him. Copies of the report may be placed in the hands of each Commissioner, as is done now. Of course, it will be open to any Commissioner to bring in a resolution on the administration report but I do not think a formal approval or sanction of the Commission should be required before the report is submitted to the Resident.

It is difficult to contemplate a large body of

persons

persons starting off to examine such a report in detail, and passing resolutions to alter wording and punctuation! The result will be chaos.

Yours sincerely,

3.V.30

To

Major G. Loch,
Secretary to the Resident
in Mysore,
BANGALORE.

1/5/30.

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3/5/30
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